THE

Herne Bay, Hampton and Reculver Oyster Fishery Company.

EVIDENCE TAKEN ON OATH

IN THE COMMITTEE OF THE HOUSE OF LORDS,
APRIL 19 & 20, 1866,

ON

THE BILLS PROMOTED BY THE WHITSTABLE AND THE HERNE BAY &c., FISHERY COMPANIES,

WITH AN

Explanatory Introduction and Notes

CONTRIBUTED TO

BY SEVERAL HANDS.

LONDON:
EFFINGHAM WILSON, ROYAL EXCHANGE.
1866.

PRICE SIXPENCE.

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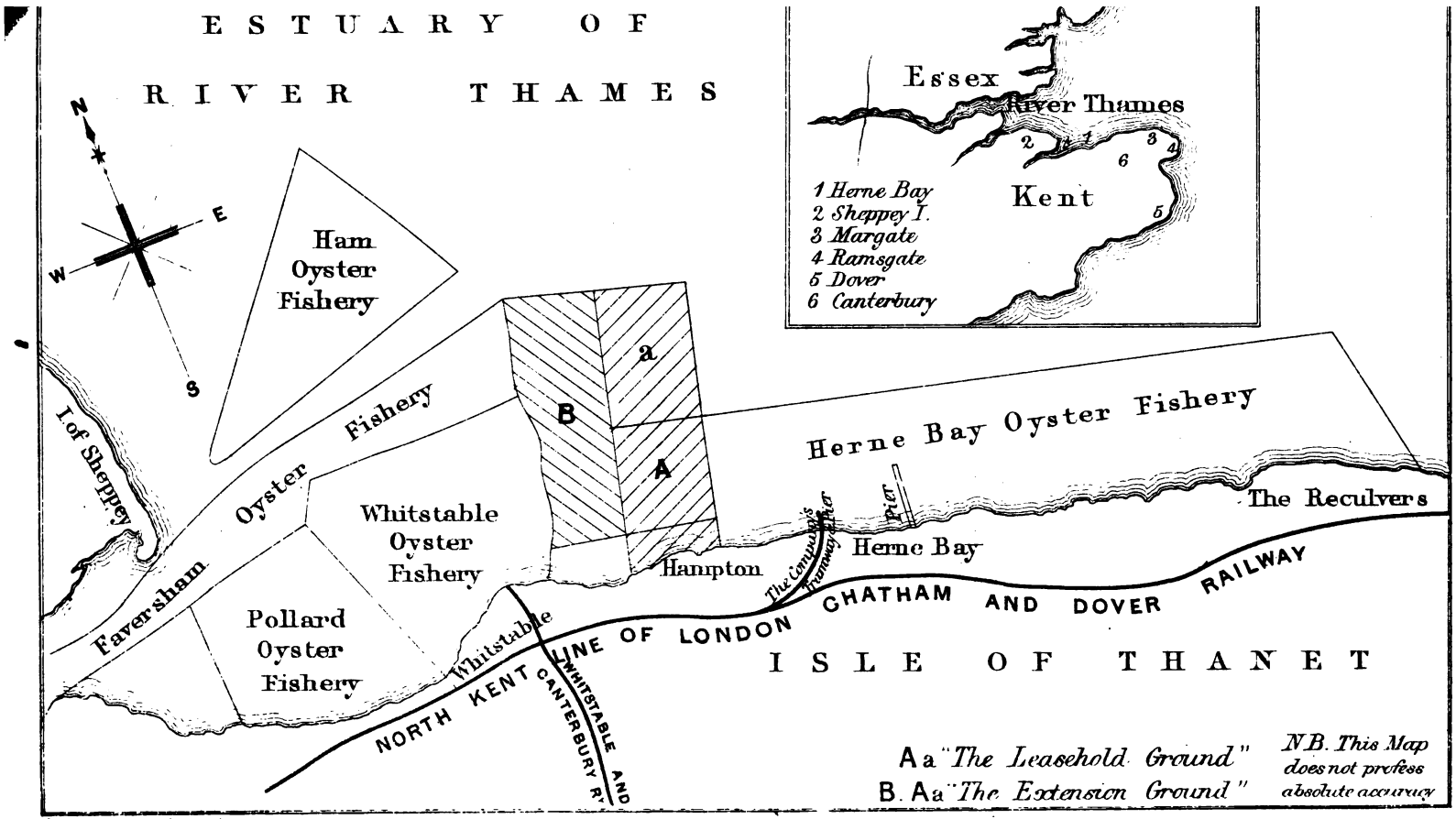
ESTUARY OF
RIVER THAMES
N
E
W
S
Ham
Oyster
Fishery
Oyster Fishery
Whitstable
Oyster
Fishery
Pollard
Oyster
Fishery
I. of Sheppey
Faversham
a
B
A
Hampton
Herne Bay Oyster Fishery
The Reculvers
Herne Bay
Pier
The Company's Tramway
Whitstable
NORTH KENT LINE OF LONDON CHATHAM AND DOVER RAILWAY
WHITSTABLE AND CANTERBURY R.
ISLE OF THANET
Essex
River Thames
Kent
1 Herne Bay
2 Sheppey I.
3 Margate
4 Ramsgate
5 Dover
6 Canterbury
A a "The Leasehold Ground"
B. A a "The Extension Ground"
N.B. This Map does not profess absolute accuracy

THE HERNE BAY, HAMPTON, AND RECULVER OYSTER FISHERY COMPANY.

EVIDENCE taken on oath in the Committee of the House of Lords, April 19 and 20, 1866, on the Bills promoted by the Whitstable and the Herne Bay &c., Fishery Companies, with an explanatory introduction and notes.

So many facts and opinions of much interest to the shareholders were elicited in the Committee of the House of Lords to which were referred the Bills promoted in the present session by the Company and the Whitstable Company, that it has been considered expedient to print, for the information of the shareholders, all the evidence of any importance to them which was given on oath before the Committee, with some necessary explanations.

In order that the statements in this pamphlet should be altogether accurate, application was made for information on many points to the Company's energetic Secretary, and it is due to that Gentleman to acknowledge the value of his most candid and obliging explanations on every matter on which enquiry was made. It is also fitting that the shareholders should know that the Secretary was thus giving effect to the wishes of the Board.

It will be observed that some of the evidence against the Company was given with a boldness of assertion which had to be corrected by cross-examination; but although for the sake of avoiding needless length some evidence relating to the Whitstable Company and the evidence on some questions on manerial rights, which were rather vaguely raised by the Ecclesiastical Commissioners, are omitted, care has been taken not to leave out a single

statement which was intended to be prejudicial to the Herne Bay Company.

The Directors are evidently anxious that every shareholder should be fully and accurately informed as to the condition and prospects of the Company's property and affairs, and not the less so because of their conviction that the more rigid the investigation to which the Herne Bay Fishery is subjected—so that the scrutiny be honest and not deliberately prejudiced—the more satisfactory to the shareholders will be its results.

The last parliamentary contest between the Whitstable Company and the Herne Bay Company related chiefly to a piece of ground below low water mark, which each Company desired to secure as an addition to its own oyster grounds.

In order that the relative position of the two Companies may be understood, it is necessary to go back to times past.

The Whitstable Company are a most ancient body of "free fishers and dredgers," who, from father to son, have carried on the business of an oyster fishery during (it is probable), a period of at least 2,000 years. It was about A.D. 80, that Julius Agricola first exported oysters from the neighbourhood of the Reculvers to Rome, and for the ancestors of the Whitstable free dredgers, Rome was during about three centuries their Billingsgate. It is therefore likely that they are the oldest known business firm in the world, and they are entitled to the respect which in our aristocratic country we gladly pay to ancient lineage.

They are not only "free dredgers," but they are fair dredgers, and whatever may be the rivalry between the two Companies, the Herne Bay Company need have no fear that the members of the Whitstable Company will forfeit their good repute by acting otherwise than as honest neighbours. It will not be the fault of the Herne Bay Company if the two Companies are not good friends.

After the lapse of many centuries, the Whitstable Company were in the year 1793 incorporated by an Act of

Parliament, under which they purchased their fishery, which before that time they had rented of the Lord of the manor.

The Whitstable fishery lies on the southern side of the estuary of the Thames, eastward of the Isle of Sheppey and where the waters of the Medway and the Swale flow into the sea.

In order to the fattening of the best oysters, the soil on which they lie must be of a particular character, and the water that covers them must be neither fresh nor salt, but a due admixture of the two. The Whitstable fishery has the requisite advantages of both soil and water, and the great superiority of "Whitstable natives" over almost all other oysters is mainly owing to these advantages.

The members of the Whitstable Company are a fine body of nearly 400 men, brought up from their youth to the business of their fishery, but all their intelligence and industry would be thrown away, if the soil of their oyster grounds were mere mud or moving sand, and the water which flows over them were unmixed sea water.

Careful culture of their oyster beds is of course one of the requisites for the production of first-rate oysters, and it is not improbable that it is owing to great care in cultivation that the "Whitstable natives" have of late years surpassed in popularity the old favourite "Milton oysters," which were formerly heard of among "the cries of London," and which were fattened on oyster beds near to the Whitstable grounds.

The extent of the Whitstable fishery is somewhere between two and three square miles. Like other large oyster grounds, its quality varies in different parts; some parts being more fit for breeding oysters than for fattening them, but a great part being better adapted for fattening.

Eastward of the Whitstable fishery, and stretching for several miles along the coast of Kent, are other grounds,

many parts of which, in the quality of the soil and of the water, possess much the same advantages as the Whitstable grounds. The chief if not the only advantage over these which the Whitstable grounds possess, is that a natural bank of boulders and shingle, still called Whitstable "Street,"—a name evidently of Roman origin; "via *strata* lapidibus"—runs out into the sea at the eastern end of the grounds, and as a breakwater gives some protection to the shallower parts of the grounds, which is not enjoyed by the shallower parts of the more eastwardly grounds.

Northward and eastward of the Whitstable grounds and including these eastern grounds is a large extent of "flats," probably about 60 square miles, on which the "spat" of oysters falls.

All the true "Native" oysters sold in England have been, and still are, with the exception of a few from the Northern Essex coast, obtained from these "Flats." But of these 60 square miles of "Flats," about 29 square miles only are good natural oyster beds adapted for breeding, and the Herne Bay Company's fishery includes six of these 29 square miles, and according to the best evidence, the portion by far the most prolific of "spat" and "brood," of the whole of the "Flats."

The oyster goes through the several stages of "spat," "brood," "half-ware," "ware," and "oyster."

The "spat" or spawn is emitted from the oyster in immense quantities. Mr. Frank Buckland has ascertained that 800,000 spat can be produced by a single oyster. Other observers, perhaps not so accurate, have estimated the number at 1,500,000, and some have gone so high as 3,000,000.

But much and long continued scientifically accurate observation is needed, in order that we may arrive at something like certainty about the propagation of the oyster. All the known fisheries on the coasts of the United Kingdom seem to have been managed on the "rule of thumb" principle—"what father did, I does," gives the clue to their management.

All the evidence given by the free dredgers leaves the same impression on the mind—that the witnesses observed what was forced on their observation and nothing more; that fifty years' experience left a man as ignorant of everything beyond what was palpable to his sight and touch as he probably was when he had been only five years in the business; and that he consequently had the undefinable horror of "science," which his forefathers had of magic. Like uneducated men, he thought that whatever was new to him must be nonsense.

He can tell you that there is "a good spat," or "a heavy spat" in the estuary of the Thames about once in every seven or eight years, but what are the conditions (except a warm season) on which it is dependent, he evidently neither knows nor cares to know. It is probable that Mr. Frank Buckland is the first person interested in oyster-culture, who, during the 2,000 years of the Whitstable fishery, took the pains to ascertain the specific gravity and the temperature of the water opposite to Whitstable and opposite to Herne Bay, which he found to be on the same morning exactly the same—1·024 and 59°.

So far as can be learned at present, the spat floats in the water for a time, and if it be not carried out to sea nor killed by cold nor swallowed by fish, it falls to the bottom in order to anchor itself there for life. If it falls on mud it perishes at once, if on weed it perishes with the weed. But if it falls on a clean bottom of "culch"—broken shells, small stones and the like—it adheres to the hard substance and there grows.

The Herne Bay Company, in imitation of their neighbours, are preparing their grounds for the reception of spat by clearing them from weeds, and parts of their grounds as beds for fattening oysters by also laying on them a surface of culch.

They have thus already cleared about five square miles for spat, of which about one square mile is occupied by the fattening beds which are already culched.

Portions of the flats have natural beds on which the spat falls and thrives.

When it has arrived at the "brood" stage or at a more advanced stage it can be dredged up from the flats and removed to other grounds better adapted for fattening.

Before the Herne Bay Company's Act was passed, parts of what are now their grounds were open to the public as common grounds from which any persons might dredge up brood, &c., at their pleasure, and from them the Whitstable Company got a great quantity of the oysters which they fattened on their own grounds.

The Act of 1864 which gave to the Herne Bay Company exclusive rights over parts of these eastern grounds, of course deprived the Whitstable Company of the opportunity of dredging up brood, &c., there, and, as was to be expected, the Whitstable Company most strenuously, though in vain, opposed the application to Parliament for the Act. The Whitstable Company applied to Parliament in the sessions of 1865 and 1866, for an extension of their fishery, but in each case without attaining their object.

It is to be hoped that their money will be better employed hereafter.

The Company's oyster grounds extend from west to east about seven miles along the coast of Herne Bay and northwardly about one mile and a half into the bay and their total area is about nine square miles.

Of this area about one third (three square miles) lying between high and low water mark is "foreshore."

Mr. Plummer, the steward and solicitor of the Whitstable Company, says in his evidence, "the ground between high and low water mark is valueless in the oyster fishery. It is necessary that it should be covered with water;" and, so far as regards the foreshore in its mere natural state, his evidence is in this respect accurate.

The western portion of the Company's grounds is in the Manor of Swalecliffe, of which Earl Cowper is the Lord. The manor comprises also ground beyond the

western end of the Company's grounds which is shown on the map (A a), and is referred to in the pages following as "the leasehold ground," and further westward are open grounds, part of the flats, stretching to the eastern boundary of the Whitstable grounds, and marked (B) on the map.

Earl Cowper refused to cede to the Company his rights over the manor grounds within the Company's limits unless the Company took "the leasehold ground" also, and accordingly a lease for 99 years of the whole of his lordship's grounds below high water mark has been granted to a trustee: as to the grounds within their limits upon trust for the Company; and as to the leasehold ground (A a) upon trust for the Oyster Company Limited; which, as the shareholders are aware, is practically united to the Company.

The Company have no parliamentary authority to hold the leasehold ground (A a) themselves and they therefore applied to Parliament for the requisite authority.

The Whitstable Company also applied to Parliament for an extension of their grounds and proposed to take in the whole of the grounds below low water mark between their eastern limits and the Company's western limits, including therefore all the available part of the leasehold ground. The ground applied for by the Whitstable Company is marked (B A a) on the map, and is called in Mr. Plummer's evidence "the extension ground."

Parliament however has not yet thought it expedient to comply with either application.

It is perhaps almost needless to say that a strong feeling adverse to the Company has been excited in some members of the Whitstable Company, on seeing themselves excluded from grounds which had theretofore been open and common to themselves and other dredgers.

While the existence of this feeling is to be regretted, it cannot but be regarded as being a very natural feeling. The hope is, that it may soon subside, and that the

Whitstable Company will before long entertain the same wish as the Company, that the two should, in the words of Mr. Nicholls, the Whitstable Company's foreman, be good neighbours and work honestly.

It is not in any spirit of exultation that the fact that the Whitstable Company have, in three successive sessions of Parliament and under what the event has proved to be very injudicious advice, fought a losing fight against the Herne Bay Company is referred to. It is hoped that wiser counsels may prevail in future.

If the Whitstable Company had applied for only that part of the extension ground which lies westward of the leasehold ground and is marked (B) on the map, and their application had been successful, they would have almost doubled their available grounds.

According to Mr. Plummer's evidence, this addition would have enabled the Whitstable Company to take from these grounds in four years more than 300,000 bushels of oysters, which, at the old low price of 40*s.* a-bushel, would have given a gross return of 600,000*l.*, or 150,000*l.* a-year, yielding to the members of that Company *a very satisfactory profit.* It may be thought that it would have been wiser on their part to have tried only for the grounds which could yield such a profit than to have fought for a larger area and have got nothing.

Several statements evidently intended to operate to the prejudice of the Company have been circulated, and this appears to be the proper place to notice them.

The statements are to some extent contradictory of each other, and it will be seen that all of them are sufficiently refuted by the evidence given below, but before proceeding to examine them, it is desirable to premise one or two remarks.

It must be borne in mind that before the Company obtained their Act, parts of the grounds which they now have, being common and conveniently near to Whitstable, had been thoroughly dredged for brood to be laid down chiefly on the Whitstable beds, so that the Company came

into possession of grounds from which the crop of oysters had been almost entirely cleared—a stubble field, as it were —and they have to cleanse, stock, and cultivate their grounds—to plough, manure, sow, and weed the stubble field—before it will yield them a proper crop.

The Company's Act did not receive the Royal Assent until July 25, 1864: the Company then had to be organised: they then had to arrange with the Office of Woods and Forests for a lease of grounds from the Crown: and although they were able to make a beginning before the lease was granted, yet it was not till about a year ago that they were in full legal possession of the "stubble field," which they are now cultivating.

Considering that they have now finished all the works which their Act obliged them to make, have laid down on their grounds many millions of oysters, and have about five square miles in good condition for the reception of spat, including one square mile of fattening beds, they may at least claim the credit of not having been idle.

What can be done in a few years with a bare piece of oyster ground may be seen by Mr. Plummer's evidence.

"You have not sufficient land for the growth and cultivation of the oyster?—"No, we have not; and there is a part of the ground to which I wish to refer, just to show the capabilities of the oyster fishery. About ten years ago, the circumstances of the [Whitstable] Company were not good, they were in debt, and they did not cultivate all the ground. There is a bed on the east side, next to the Street, consisting of about 300 acres. It had not been stocked for some years, and during the great spats of 1858 and 1859, we stocked that piece of ground thoroughly. In the next four years we took 150,000 bushels of oysters from that ground to market, showing, I think, that if we obtain the extension for which we now apply, we shall be able, on the entension ground, which is about six times the dimensions of that portion of the ground to which I have referred, three square miles, we shall be able to take, I think, at least

1,000,000 bushels of oysters from this extension in the next four years."

To compare what the Company have done with the doings of the Whitstable Company, would be like making a comparison between the doings of an infant, and of a man in his prime, but a strong conviction is entertained that before many years have passed the Herne Bay Company will not be the Company to shrink from the comparison.

The statements which have been circulated to the prejudice of the Herne Bay Company, so far as they are known, may be arranged under the heads following:—

1. *The Company's grounds are valueless as oyster grounds.*

When the Company's Act was applied for, it was said that the ground was too valuable to be given up to them.

See Captain George Austin's evidence, that "probably the portion taken by the Herne Bay Company was about the best. The whole Bay swore that it was, and I believe that they were not far from right."

Captain G. Austin had given similar evidence before the Sea Fishery Commissioners, and the late Mr. James Lowe, a witness most decidedly hostile to the Company, said, "I believe that the most valuable portion of the flats, upon which the spat fell in the greatest quantity, was that which has been taken by the Herne Bay Company."

2. *The Company have injured the dredgers by taking away from them some of their best common grounds.*

See Mr. Plummer's evidence (183), that quite 60 square miles of the estuary of the Thames are still left open, and his enumeration of the "very fine brood grounds,"—the Pansand, &c.,—within that area.

3. *The Company have more ground than they can use.*

See Mr. Plummer's evidence, showing that the fore-

shore in its natural state is useless for oyster culture, and that it is impossible to say before proper trial has been made, what parts of "the extension ground" would grow or would fatten oysters. It is the same with the Company's available ground. They must ascertain the quality of the soil, and use only those parts which are approved on trial.

Mr. Plummer states that he is "credibly informed" that the Company are only using "about one mile out of nine" —the nine miles including about three miles of foreshore.

It appears that the Whitstable Company also are using part only of their grounds. Mr. Plummer, in trying to show that it was necessary for the Whitstable Company that they should have "the extension ground," asserted that they were obliged "to lay all our present grounds with oysters for the market, and the result is, that we have no ground upon which to lay the brood of oysters when the spat comes," and "if the spat came, we should have no place to lay it on, and the result would be, that we must strip part of our present ground of oysters in order to use that ground for brood."

In answer to the question, "Is the ground that you have got now fully stocked" he replied "*Yes*," and on the question being repeated, he replied, "*Yes, it is fully stocked.*"

These assertions by Mr. Plummer were, however, directly contradicted by Mr. Nicholls, the foreman of the Whitstable Company, who, on cross-examination, admitted, as will be seen by his evidence (257, 8, 9), that their grounds were *as near as I can tell you, only about one-third stocked.*

4. *The Company do not employ a sufficient number of men.*

Mr. Plummer said, "I think that you may be carrying it" (the oyster fishery), "on to an unappreciable extent; for instance, you have five boats, and you employ about twenty men."

Mr. Cholmondeley Pennell, the Company's then Chairman, refuted this assertion. "At the present time, we have thirty-three men in our regular employment, but we have had at different times as many as one hundred men in our employment."

Thirty-three men regularly employed by a Company not two years old, will compare well with the men employed by the Whitstable Company. The evidence given by their witnesses is often not very exact as to their own affairs, but it will be seen by the evidence below, that when the Whitstable Company's Act passed the number of their members was thirty-six, and that although it has gradually increased to about four hundred, yet they reckon only about three hundred of them as working men.

In the Report of the Sea Fisheries Commission, it is said of them, "The rate of wages varies according to the quantity sold and the price of oysters; on the average of the last eighteen years, the rate of pay to the members being 23*s.* a-week; the last few years it has been considerably more, and a bonus was divided in 1863 of 20*l.*, and in 1864 of 16*l.*, so that the amount each member has received during the last twelve months has been altogether 100*l.* The widows of members are also entitled to one-third of the pay which working members get. Between 33,000*l.* and 34,000*l.* has been paid over by the Company to its members in the course of one year. For this pay the average work performed by the dredgermen during the open season, when they are engaged in dredging up oysters for sale in the market, is about two hours a-day; and during the close season, when they are occupied in dredging and clearing the ground and moving and separating the oysters, four hours a-day. The rest of their time is generally occupied in dredging the 'Flats' for brood, which they sell to the Company for laying down, *and in good years they often make more by work outside than they receive from the Company itself in wages.*"

If six hours be a fair day's work, the three hundred working members are practically one hundred; and the

infant Company with thirty-three men in regular employment and one hundred men in occasional employment, may, even by the side of their very ancient neighbour, claim the credit of having made a respectable beginning as employers of labour.

The Company's rate of progress has been from nil to thirty-three in two years: the Whitstable Company's from thirty-six to three hundred in seventy-three years.

5. *The Company cannot breed oysters on their grounds.*

When the Company's Act was applied for, one of the chief allegations that was made by its opponents was, that it was proposed to take from the public one of the best parts of the "Flats" for breeding oysters.

The Company's grounds, and "the extension ground," are together one tract of oyster grounds, and Mr. Plummer's evidence shows how anxious the Whitstable Company were to secure for themselves the extension ground; an anxiety which they probably would not have felt if they had not been convinced of its great value.

Mr. Nicholls, in his evidence says, that "it is a very good bit of ground for spat and brood."

See also Captain Austin's evidence, as follows:—

"Now you are acquainted also with the ground which the Whitstable Company seek to obtain by this Bill?—Yes.

"A portion of what are called 'the Flats'?—Yes.

"Is that portion of the Flats the best portion for obtaining the spat of the native oyster?—Probably the portion taken by the Herne Bay Company was about the best. The whole Bay swore that it was, and I believe that they are not far from right.

"That was taken in 1864?—Yes; the part granted already by the Act of Parliament."

6. *The Company cannot fatten oysters on their grounds.*

The evidence which contradicts the fifth allegation

against the Company is also contradictory of this allegation. Taking the evidence of Mr. Plummer, Mr. Nicholls, and Captain Austin together, it will be seen that the extension ground is regarded by the Whitstable Company as a valuable fattening ground, and that the Company's grounds are at least as good as, if not better than the extension ground.

See Mr. Cholmondeley Pennell's evidence, as follows:—

"Although you have only had this limited period since the opposition of the Crown was withdrawn, to work your oyster beds, have you produced good oysters?—Yes, certainly; because, putting aside any question of opinion, a good oyster is an oyster which will sell in the market at a large price. I think that is a fair estimate of its value; and we have sold many at large prices, and the sale has greatly increased. In the last week we have sold 150*l.* worth."

"As your cultivation proceeds, and the maintenance of your oyster grounds continues, I presume you hope to improve your oysters and sell them still?—Clearly. The oysters now are not equal to what they will be. We have already produced well-fed oysters fit for the public market, and they have been very much liked.

"I believe the oysters come up uncertainly. Some are good, and some are not?—They are getting much better. A few in every bushel are bad.

"And you expect a further improvement in them?—Yes. We have weighed the proportion of meat to the shell at different times, and we found a very steady improvement in the proportion of meat. That is in the growth of the oyster.

"Your grounds have, I believe, fattening properties?—Very large fattening properties, no doubt. Our oysters now are not quite equal to the Whitstable oysters. They have only been down for a year, and the Whitstable have been down for four and five and six years. I wish to state the case fairly."

Mr. Frank Buckland, one of the Directors, stated some

time ago, as the result of his examination of oysters from the following grounds, that the proportion of meat to shell was:—

Whitstable	One-fourth.
Colchester	One-fourth.
Herne Bay (natural oysters not cultivated)	One-fifth.
Paglesham	One-fifth.
Falmouth	One-sixth.
Isle de Ré	One-fifteenth.

He has lately ascertained that many natural oysters found on the Company's grounds are quite equal to the best Whitstable natives.

The oysters which the Company have laid down on their grounds, and therefore the oysters which they have sent to market, have been of different qualities. Some were "common" or "channel" oysters, which always fetch a low price. The average of the Company's sales of natives to April 30, 1866, was 4*l.* 15*s.* a-bushel.

See also the evidence of Mr. Ffennell, one of the English Fishery Commissioners, as follows:—

"Of the oysters you did see dredged [from the Company's grounds], you say some were good, and a great many bad?—*There was not what I would call a bad oyster among them.* There was not an oyster among them that was not in a progressive state to a good condition."

And at the conclusion of his evidence:—

"And you found [on the Company's grounds] a good marketable oyster?—*Yes; I found a good marketable oyster.*"

The Company can ascertain only by experience what parts of their grounds are the best fattening grounds. It is probable that some portions of the fattening grounds may be found to be in patches with inferior grounds intermixed. Until the limits of the best fattening grounds are ascertained, the Company will inevitably have the occa-

sional disappointment of finding that they have laid down some of their brood on the inferior grounds, and of being obliged to remove it to the better grounds before it yields good marketable oysters.

But their experience hitherto renders it probable that several square miles of excellent natural fattening grounds are there, and these the Company are improving.

7. *The Company have not capital enough to work their grounds properly.*

The Company have a capital of 100,000*l.* fully subscribed, and more than half paid up, and power to borrow 25,000*l.*

Considering that the Whitstable Company started afresh under their Act of 1793, without capital and with borrowed money, and have not only paid off their debt of 30,000*l.*, but had lately a stock on their ground, which was valued at 400,000*l.*, this allegation may be considered as futile.

8. *The Company cannot carry on their oyster fishery so as to make it profitable.*

For this 8th allegation divers reasons are alleged.

(a) *The Company's grounds are not such as can be cultivated profitably.*

If, as there is every reason to believe, the Company's fishery comprises fattening grounds at least as good as the extension grounds, then Mr. Plummer's evidence alone is sufficient to dispose of this allegation.

It will be seen by his evidence, quoted above, that about ten years ago, when the Whitstable Company were in debt, they thoroughly stocked an oyster bed of about 300 acres (about half a square mile) which had not

been stocked for some years—which therefore was in much the same condition as the Company's grounds in 1864—and that in the next four years they took 150,000 bushels of oysters from that ground to market, and that he expected, if the Whitstable Company obtained "the extension ground," they would take about one million bushels of oysters from it in the next four years.

At the recent highest price of oysters this would give a gross return of more than 5,000,000*l.*, or 1,250,000*l.* a-year. Supposing the price to fall to the old rate of 2*l.* a-bushel, here on Mr. Plummer's estimate would be a gross return from the extension grounds in four years of 2,000,000*l.*, or at the rate of 500,000*l.* a-year.

The Directors do not hold out any such sanguine expectations; but this evidence may fairly be cited as indicating the amount of profit which the Whitstable Company's steward and solicitor considered that his Company might get from a piece of ground not protected by the Whitstable Street, and being in no respect, so far as the evidence shows, better than the Herne Bay Company's available ground.

Of course it would have required a large expenditure, perhaps at present prices not less than 250,000*l.* to have stocked the extension ground with the brood required to produce the 2,000,000*l.*

It is not easy to ascertain from the evidence adduced by the Whitstable Company what are their actual receipts. They seem to fluctuate according to the object of the evidence.

When it is desired to exalt the value of the Whitstable grounds and to prove how well the Whitstable Company have prospered, their gross receipts reach an astounding figure; but when it has to be shown that it would be a hardship on their members to allow the Herne Bay Company to have more ground, then the payments to the members shrink into small dimensions.

See Mr. Nicholls's evidence, according to which the proceeds of the 150,000 bushels during the four years

1860, 1861, 1862, and 1863, gave to the members of the Whitstable Company an average of about 70*l.* a-year each, or a total of about 112,000*l.*

The average of the prices for Whitstable natives during those four years was about 2*l.* 10*s.* a-bushel, and at that rate the 150,000 bushels fetched 375,000*l.*

During the seven years beginning with 1857, the Whitstable Company, on their own showing, laid out 147,000*l.* in buying brood to stock their grounds. Setting the whole of that outlay and the 112,000*l.* for wages against the proceeds of the 150,000 bushels, there remains a balance of about 116,000*l.* not accounted for.

This table was given in evidence in 1864, by Mr. Nicholls, on the opposition to the Company's Bill.

Whitstable Oyster Fishery.

Year.	Quantity of Brood obtained from the *ground proposed to be taken by the new Fishery.*	Total cost thereof.	Quantity of brood *obtained from other (distant) sources.*	Total cost thereof inclusive of freight.
	Wash.	£ s. d.	Wash.	£ s. d.
1857	11,040	3,000 3 10	29,664	8,250 1 8
1858	36,070	6.914 13 7	41,774	14,142 10 8
1859	49,319	8,574 17 7½	85,559½	20,136 2 7
1860	48,058	8,319 7 9	35,423	11,519 13 4
1861	11,851	2,761 4 11	37,858½	13,271 19 6
1862	5,134	1,520 15 7	79,803	35,192 6 1
1863	2,419	828 17 11	20,080½	12,560 11 11½
	163,891	31,920 1 2½	330,162½	115,073 5 9½
			[163,891	31,920 1 2½
		Totals ..	494,053½	146,993 7 0]

A "wash" is about a quarter of a bushel; a London bushel of oysters being equal to about two ordinary bushels.

It has been estimated that one wash of brood produces one bushel of oysters, and at that rate the gross return for the 146,993*l.* 7*s.* 0*d.* would, at the average of only 2*l.* 5*s.* a-bushel for oysters, amount to 1,111,620*l.*

Deducting the 150,000 bushels which Mr. Plummer says were taken to market, there would remain brood for 344,053½ bushels of oysters, which in the course of the next three or four years ought, at that low average price, to yield to the Whitstable Company a gross return of 774,120*l.*

Allowing for casualties and for some of the oysters being of inferior sorts, these figures show that the old men of the Whitstable Company's Jury were probably not far from wrong, when, as Captain G. Austin stated in his evidence before the Sea Fisheries Commission, they, in 1864, assessed the Whitstable Company's stock at 400,000*l.*

This table gives a basis for estimating the probable value of the Company's grounds.

Mr. Nicholls said most confidently that two-thirds (109,260) of the 163,891 wash came off what are now the Company's grounds.

Captain G. Austin, in his evidence given below (992), estimated the total number of wash taken off the flats in the five years ending with 1861, by the Whitstable Company, the Pollard Company, the Faversham Company, and the Essex boats, at 544,683 wash.

If it be supposed that instead of two-thirds, only one-third of what was taken by the Whitstable, the Pollard, and the Faversham Companies, and the Essex boats, came from the Company's grounds, the brood taken from those grounds, probably, amounted in the seven years to about 250,000 wash.

If the grounds had belonged to the Whitstable, or the Pollard, or the Faversham Company, and they, instead of taking off the brood, had duly cultivated it on the grounds, then, at a bushel for a wash and only 40*s.* for a bushel, the gross return for the spat that had fallen on the Company's grounds would have been about £500,000.

Unless the only evidence on which any reliance is to be placed, is the assertion that oysters cannot be fattened at Herne Bay, an assertion which is directly contradicted by fact, there cannot be a reasonable doubt that the Company have a good prospect of being able to employ their capital very profitably.

(b) *The spatting of oysters has ceased. They have had their day, and are about to become an extinct mollusc.*

Spat falls periodically in the estuary of the Thames. There is a heavy spat in one or two years, and then a fallow of several years. It is now the fallow time, and a good spat before long is hoped for, but it seems to depend on the seasons.

Nothing but time can contradict a prediction of what is to happen in future; but towards the close of the last year there was a small fall of spat on the Company's grounds, and it was said by a member of the Whitstable Company, that "Herne Bay has got almost all the spat of the year." Where oyster grounds are neglected, the stock of oysters on them is brought very low, but, except where mud or sand or weed chokes the grounds, the oysters are probably never extinguished. With time and care they could be restored.

Some years ago it was confidently predicted that the world was to come to an end in the year 1866, but it is understood that those who assisted in circulating the prediction did not rely on it sufficiently to induce them to drop their life policies. The prediction that oysters are coming to an end may, probably, be safely dismissed as an equally worthless guess.

(c) *The present high price of oysters cannot last; and when the price falls, Oyster Fisheries will become unprofitable.*

The price of oysters, like all other prices, depends on

demand and supply. When oysters are dear, brood is dear: and when oysters are cheap, brood is cheap.

The artificial profit of an oyster fishery arises from the increase in the value of brood when it is laid down on a good fattening ground. The quantity of labour bestowed on the grounds, and the growth of the brood till it becomes marketable, are the same, whether prices are high or low.

It would probably be perfectly safe to say that if the average price of Whitstable natives during the last twenty years—2*l.* 1*s.* a-bushel—were to become the permanent price, oyster fisheries in the estuary of the Thames must still yield a very handsome profit. The Whitstable Company did well with that low price.

In the Sea Fisheries Commissioners' Report, presented to Parliament, in February 1866 (p. xci.), is a table of the Whitstable Company's purchases of brood from the Flats and Essex, and of the value of natives sold, with averages of prices from July, 1852, to March 1865; from which it appears that their outlay for brood was 223,363*l.*, and their receipts from oysters 540,453*l.* But this table does not include their outlay for brood from distant sources, which, as given by Mr. Nicholls in the table cited above, was 115,073*l.* 5*s.* 9½*d.* in seven of those years; nor does it appear how much of this was for brood from Essex.

It is very difficult to get at the facts and figures which would present the accurate statistics of the Whitstable Company, and would afford a test of the truth of the statement, by no means generally discredited, that the income of their members has in prosperous years ranged between 240*l.* and 280*l.* each.

The present high prices have much checked the sale of oysters, even from the Whitstable Fishery. Mr. Cholmondeley Pennell says, in his evidence:—

"It has been an exceedingly slack season; so much so, that the boats have gone back to Whitstable and other places with their cargoes. It is admitted that it has been

an exceptionally slack season, as far as oysters are concerned; but notwithstanding that, we have sold a great number at a good price."

With low prices, consumption increases, and "the nimble ninepence" is proverbially profitable.

(d) *The present high price of oysters has given a great stimulus to oyster culture; and so many new beds will be made, that the market will be overstocked.*

It is true that oyster fisheries are much more thought of now than before the experiments in France and the establishment of the Company drew special attention to the subject; and a large amount of capital is likely to be invested in them; but there are unsurpassable physical limits to the extension of oyster grounds, and railways can now carry oysters by the ton to inland towns which formerly received them only by the barrel.

In the first place, it is indisputable that the fattening grounds in the estuary of the Thames stand in the first rank; and their area cannot be enlarged. At the same time, some further portions of the estuary could be made private, and by being brought into regular cultivation could be rendered available for fattening oysters. So long as those portions remain open, they will be dredged for brood, which will not be allowed to lie there long enough to become oysters. But Mr. Nicholls, the Whitstable Company's foreman, who speaks with an experience of fifty years, says in his evidence, on being asked his opinion as to competing neighbours, "I do not mind how many we get for the market; for I believe there is a sufficient market for every one who has sufficient good oysters to sell."

In the next place, it cannot sanely be imagined that a single acre on the coasts of the United Kingdom where oysters could breed or fatten, but on which they have not already bred or fattened, could be found.

Oysters have been cultivated here for twenty centuries. Whenever there has been a spat it has floated in the sea in unimaginable millions, and to search for such an acre would be as absurd as to search Salisbury plain for an acre on which thistle down had never fallen.

The late Duke of Northumberland, among his many generous efforts to benefit his tenantry and others, spent, it is said, thousands of pounds in vain in the attempt to make oyster grounds where oysters had theretofore been unknown.

There are, however, known oyster grounds on the southern coast of England and the western coast of Scotland and elsewhere, which are in a neglected state, and which under good management could doubtless add to the supply of marketable oysters; but, on the other hand, the population of the United Kingdom, and therefore the oyster-consuming power of the nation, has greatly increased.

But capital is required to bring these grounds into use, and the capital will not be forthcoming if adequate profits are not to be made by it.

(9) *The Company have not kept faith with the public by complying with the requirements of their Act.*

The Company were obliged by their Act to erect boundary stones and provide buoys for showing the limits of their fishery, and to make a tramway from the North Kent line to their oyster grounds, and a pier at the end of their tramway. These are the works which they were *obliged* to make, and all these works they have made.

The Company are permitted but are not obliged by their Act to make other works, including tanks. A section in the Act, which was introduced at the instance of the Board of Trade, has rendered it questionable whether this permission extends over more than five years, and whether, if any of these permissive works were made after that time, the

Company would not forfeit their privileges. The Board of Trade did not intend that this should be the case, and are willing that the doubt should be removed. The Directors of course will take care that the doubt does not become of any practical importance.

It will be seen by the evidence that a great point was attempted to be made of the fact that the Company had not yet made any tank for themselves, and it was endeavoured to be shown that the Company were pledged to Parliament, by the evidence given for their Act, to make tanks and to spend 80,000*l.* of their capital on works, because some of the witnesses had held out an expectation that breeding tanks would be tried, and Sir Charles Fox, the Engineer, had estimated for tanks.

The shareholders will have pleasure in learning that the Company will set an almost unique example by keeping their expenditure on works far within the engineer's estimate.

Since the Directors have been in office they have ascertained that an expensive permissive work which, although not specifically alluded to in Parliament, had been estimated for, not only could most properly be dispensed with but ought not to be undertaken by the Company.

The total expense of the works which the Company were obliged to make, and of the permissive works which it appears probable that they may require during the five years, will not, as the Directors expect, reach 25,000*l.*

The greater part of the Company's outlay will be for brood to lay down on their fattening grounds.

Mr. James Mitchell who, according to his evidence, is an unsuccessful experimenter in oyster culture, sneered at the Company's tramway and pier (see his evidence). He professed to be "tolerably well acquainted with the native oyster fisheries," but he could not imagine the Company making any other use of their tramway and pier than for sending oysters to Billingsgate.

Whether the Company will ever use them for that purpose is at present uncertain, but yet they will be of great use.

The western coast of Ireland has extensive oyster breeding grounds from which immature oysters are bought in large quantities to the fattening grounds in the estuary of the Thames. These Irish oysters have hitherto been brought in sailing vessels, and the length of the voyage is uncertain. The Company have had two cargoes of them. The first was delivered in fair condition, but the vessel which brought the second was detained on her voyage, and a considerable portion of her cargo died.

This is a casualty to which all of the Thames fisheries are exposed.

Careful inquiries have shown that Irish oysters can be brought by railway across Ireland and England with the short intervening voyage across St. George's Channel more speedily, cheaply and safely than in sailing vessels, and the Company's railway and pier form the last link in the chain of communication between the breeding grounds on the coasts of Ireland, Wales and England, and the Company's fattening grounds.

The Directors had made preparation for one breeding tank if it should be required, but their late superintendent, Mr. Crofts, was anxious to try at his own cost an experiment with a breeding tank of his own invention, and to this the Directors assented. It is a very ingenious invention, and if it succeeds it will be most valuable, but hitherto it has not proved successful.

That tank is now in the possession of the Company, and is in use experimentally. It is possible that it may yet prove to be of value, but the Directors do not entertain any confident expectation of that being the case. They do not at present see their way to another breeding tank experiment, and they are indisposed to spend any large sum in speculative attempts at forcing spat. It cannot be admitted that the expectations of witnesses, before the Company were incorporated, as to what they would probably do when incorporated, imposes any moral, as it certainly does not impose any legal obligation on the Company to waste their money.

Mr. Frank Buckland, one of the Directors, is constantly making experiments for the Company on an inexpensive scale, and he is thus accumulating evidence of what will not succeed—only second in value to evidence of what will succeed.

In 1864 it was generally believed that the French had made wonderful discoveries in the propagation of oysters. It is now questioned whether the success which was then attributed to their plans was not merely the consequence of a very unusually heavy spat, and whether their "Parks" and "Claires" are of more use than the Company's unenclosed oyster beds.

But even if the French plans are of great use on the western coast of France, it does not follow that they would be of any use on the northern coast of Kent. Mr. Frank Buckland has well said that "climate is almost everything in artificial oyster breeding, and the climate of the Isle de Ré is fit for the growth of grapes, and the climate of the Isle of Sheppey for turnips."

That gentleman's accuracy of observation and patient attention to every small detail may ultimately be rewarded with success, but the Board do not intend to incur any large outlay on permissive works without having good reason to anticipate that it will be remunerative. They will soon have several storage tanks, and it is probable that they may by degrees increase the number of those tanks, which cost only a few pounds each.

This ninth allegation against the Company is refuted by Mr. Ffennell, one of the English Fishery Commissioners, whose duty it may hereafter be to report officially on the Company's compliance with the requirements of their Act. In his evidence he says distinctly that *the Company "have faithfully fulfilled the duties imposed upon them,* and having been one of the persons appointed by the section of the Act who might be called upon to report if they did not do so—if I were called on to do so, *I could most conscientiously say they have done everything that could be reasonably expected of them. As a public officer—"*

"You had a duty imposed upon you as a public officer to make the enquiries?—Yes; I went down frequently to see how they were going on, because I might have been called on under the Act to report: and, if I was called on, *I could most conscientiously say they had done a great deal.*"

It will be seen by the preceding remarks, and the evidence which follows: that these points are satisfactorily established:—

1. Oyster culture by the Whitstable Company is a most profitable business. Starting in 1793, with borrowed money, paying to the working members handsome wages for very light work on their own grounds, and large sums for brood dredged up by them from the Flats, and making payments to all the non-working members and widows of deceased members, the Whitstable Company have repaid 30,000*l.* which they borrowed, and now have a stock of oysters worth probably between 300,000*l.* and 400,000*l.*, representing accumulations of profits.

2. The Herne Bay Company possess oysters grounds which are probably better as breeding grounds than the Whitstable Company's grounds, and are already proved to comprise good fattening grounds which when thoroughly cultivated will probably be found to be quite as good as the best of the Whitstable Company's grounds.

3. The area of the Whitstable Company's grounds which is in actual cultivation is less than two square miles—less than 1,280 acres.

4. The Herne Bay Company have already brought about 3,200 acres into such a state as to render the whole of that area fit for the reception of spat, and on parts of it they have laid down many millions of oysters to breed and to fatten.

5. In order to insure a regular supply of oysters, it is necessary to stock the grounds yearly with brood to grow and fatten on them.

6. The Whitstable Company expended in the seven

years ending with 1863, 147,000*l.* (on the average 21,000*l.* a-year) on brood for stocking their grounds.

7. The Herne Bay Company have expended in a year and a half about 25,000*l.* in stocking their grounds with brood; about 2,000*l.* of it being for mere labour.

8. The 50,000*l.* which the Whitstable Company spent for brood in 1858 and 1859 produced a gross return of more than 300,000*l.* in the next four years.

9. The Herne Bay Company's subscribed capital and borrowing power are sufficient to enable them to expend in stocking their grounds more than 50,000*l.* in addition to their past expenditure.

10. Artificial oyster breeding is at present a matter of experiment which may or may not succeed, and the Company, like their neighbours, must rely for their stock mainly on the heavy spats which periodically fall on their grounds, and on the brood which they buy and bring from other grounds.

11. Not one of the reports that have been circulated against the Herne Bay Company is well founded.

With this introduction the reader will be the better able to understand the bearings and the force of the evidence printed below:—

Mr. Hope Scott, Mr. Merewether, Mr. Gates, and Mr. Plummer (not the witness of that name) appeared as counsel for the Whitstable Company.

Mr. Marshall Griffith appeared as counsel for fishermen and dredgermen of Whitstable, Faversham, &c., who petitioned against the Whitstable Company's Bill.

Mr. Rodwell, Mr. Granville Somerset, and Mr. Meadows White appeared as counsel for the Herne Bay Company.

Mr. Davison and Mr. Pember appeared as counsel for the Ecclesiastical Commissioners, who claimed some manerial rights on the northern coast of Kent.

Messrs. Plummer, Nicholls, Francis, Johnson, Smithers, Shrubsall and Hampton, with others whose evidence is omitted, were the witnesses for the Whitstable Company.

Messrs. Cholmondeley Pennell and Ffennell were the witnesses for the Herne Bay Company.

The evidence for the Ecclesiastical Commissioners is omitted.

Messrs. Austin, Gann, Stroud and Rowden, with others whose evidence is omitted, were the witnesses for the fishermen, &c., who petitioned against the Whitstable Company's Bill.

Mr. STEPHEN PLUMMER, *sworn.*

Examined by Mr. GATES.

1. Are you steward of this Whitstable Company?—Yes; I am steward and solicitor of the Company.

2. And have been so, I believe, for 20 years?—Yes; my father was before me, and my grandfather before him.

3. You are, I believe, intimately acquainted with all the affairs of the Company?—Yes; with their property.

4. Do you produce the Act of Parliament incorporating the Company in 1793?—Yes.

5. The Company were incorporated by that Act, the 23rd George III?—Before this Act they were tenants of the fishery under the lords of the manor; they were incorporated to purchase the fishery, and they did afterwards purchase it; it was conveyed to them.

6. That is, the ground which they still hold?—Yes.

N.B.—However strong may have been this gentleman's conviction that his acquaintance with the Company's affairs was accurate and sufficient, and that he had exercised due discrimination in listening to talk against the Company, yet it is obvious that he had a prejudice against them and a strong bias in favour of his clients, which led him to express himself too positively on some matters not within his own knowledge. The

consequence was that his evidence in chief had, as it will be seen, to be corrected by his evidence on cross-examination.

11. What is the extent of the ground in question?—It is nearly three square miles in dimensions.

12. How much of that can you use for oyster layings? —Nearly about two square miles; then there are about from 300 to 400 acres for the anchorage of vessels, which we have abandoned on account of the increase in the shipping trade into Whitstable; for, whereas, about ten years ago there were not more than twenty vessels coming into Whitstable, there are now more than 300 vessels which come there, *and that is why we come here to ask for this extension.*

13. There is not only the ground you have mentioned, but, I believe the foreshore between high and low water mark is used for oyster layings?—The ground between high and low water mark is valueless in the oyster fishery. It is necessary that it should be covered with water, and that is a large tract.

14. Has there been any increase in the demand for these oysters for consumption?—Yes. Another reason is on account of the great increase which has taken place in the demand for these oysters; and we are obliged, to meet that increased demand, *to lay all our present grounds with oysters* for the market, and the result is, that *we have no ground upon which to lay the brood of oysters when the spat comes.*

15. In point of fact, you require all your present ground for feeding the oysters?—Yes; we so use it now, and *if the spat came, we should have no place to lay it on*, and the result would be that we must strip part of our present ground of oysters in order to use that ground for brood, and we should send fewer oysters to market.

16. You have not sufficient land for the growth and cultivation of the oyster?—*No, we have not;* and there is a

part of the ground to which I wish to refer, just to show the capabilities of the oyster fishery. About ten years ago the circumstances of the Company were not good, they were in debt, and they did not cultivate all the ground; there is a bed on the east side, next to the Street, consisting of about 300 acres, it had not been stocked for some years, and during the great spats of 1858 and 1859, we stocked that piece of ground thoroughly. In the next four years we took 150,000 bushels of oysters from that ground to market, showing, I think, that if we obtain the extension for which we now apply we shall be able, on the extension ground, which is about six times the dimensions of that portion of the ground to which I have referred, three square miles, we shall be able to take, I think, at least 1,000,000 bushels of oysters from this extension in the next four years.

N.B.—This "extension ground" included the "leasehold ground," and if the Whitstable Bill had passed, the Whitstable Company could not have taken "the leasehold ground" without making compensation for the lessees' interest in it, and this piece of evidence might have been of importance in enhancing the value of that interest. The witness does not appear to have been conscious how this evidence might have been used against his own clients.

17. How long does it take for an oyster to become fit for the table?—An oyster ought to be four years old, or from three to four years old.

18. I believe, when the oyster spawns, the spat floats for a time upon the surface of the water?—Yes; it floats upon the surface for about twenty-four hours, and then, after it has acquired a consistency, it drops down on to the soil. If it drops on to culch, or on to clean shells, or on to stone or gravel, it will live; but if it falls on to mud, it will die.

19. The spat having fallen upon some culch, I believe it is afterwards dredged up and put into beds?—It is

necessary to do that, or it would die; it would otherwise be smothered and killed by five fingers; therefore you must collect it into beds, and protect it; you must constantly move it, otherwise it would silt up and die: the brood of oysters requires the greatest attention when young.

20. I believe you have brought and can produce to their Lordships some specimens of the oyster in different stages of growth?—Yes. (*The same are handed in.*)

21. To begin with the spawn. I believe in the first instance it is called spat?—Yes; it is.

22. In the second year it is called brood; is it not?—Yes.

23. Eventually it becomes an oyster? —Yes.

24. You say that the Company have required all their present land for oyster layings; how do they supply themselves with oysters to lay in the beds?—They buy now what we call "half-ware" wherever they can; they buy it in Essex: these are oysters that come into the market in the next season, and *they have no ground whatever upon which to lay the brood of oysters;* if the spat were to come this year or next year, they have no ground to put it on for growth and cultivation, that is, to lie there for three or four years, which it ought to do.

25. They have to purchase brood from other people? —Yes.

26. Are they the principal purchasers of brood in that neighbourhood? — Yes; they are the chief purchasers. The Faversham Company purchase very little brood. I think in the six years, from 1857 to 1863, the Faversham Company laid out 4,700*l.* in brood, and the Whitstable Company in the same time expended no less a sum than 149,000*l.* in purchasing brood to lay on to their own ground; that is, for growth and cultivation, and for the supply of the market.

N.B.—The Herne Bay Company's expenditure in stocking their grounds has exceeded 25,000*l.* in about eighteen months.

27. If the Company obtained this extension ground, to what purpose would they put it?—We should use it; but in the first place we should assess the quality of the soil at the bottom; it is impossible to say what parts of that soil will grow or will fatten oysters for market, and we should have to judge of that in the future. We should use portions of the ground for brood, and we should also use such portions of the ground as would fatten the oysters. If a particular part of the ground would not do that, we should move them on to our present ground for that purpose; on our ground the quality of the soil, the same as on all fishery grounds, varies very much, and it may be that parts of this particular extension are not well adapted for feeding oysters; but of that, as I said before, we shall judge in the future; I may mention that upon our own ground there is a piece called the "Slank," which is on the west side of our grounds, and that will fatten oysters more quickly than any other part of the ground; and in the same way so it may be with this extension; all parts of it may not be equally well adapted for fattening them.

28. If the Company should get this extension, would they not be able to supply a large additional quantity of oysters?—There is not the least doubt that they would be able to do so, judging from the fact that I mentioned before, when I referred to their using an additional piece of ground on their own property some years ago and spoke of the great quantity of oysters which they took from that particular part of the soil.

29. Do you happen to know what the Herne Bay Oyster Fishery Company have done; they obtained their Act in 1864, and do you think, if they had obtained the ground which they go for, they could make use of it so advantageously and so well as the Whitstable Company have done with their ground?—They do not make use of their own ground which they have got; they are only using, as I am credibly informed, about one mile out of

nine; and, if so, what they can want an extension for it is impossible to say.

N.B.—Mr. Plummer here treats the whole of the nine miles as if they were available as oyster grounds, not making any allowance for the three miles of foreshore.

The Herne Bay Company very reasonably wished to have Parliamentary authority to hold "the leasehold ground." At first they asked for authority to hold (Aa) on the map, but they afterwards limited their application to (A.)

30. Do they employ the same amount of labour that the Whitstable Company do?—The Whitstable Company have 300 men in their employ working 100 boats, and in addition to that they employ thirty boats to get brood off the flats, and generally they are all used in the fishery; on the other hand, the Herne Bay Company have, I think, five boats, and they employ regularly about twenty men, probably less, I think not more.

31. Is it the fact that they have not stocked the ground which they already have?—Certainly it is.

32. What is the whole extent of the estuary of the Thames, is it about eighty square miles?—According to Captain Burstall's evidence, it is about eighty square miles.

33. Taking the Whitstable Fishery Company and the Faversham Company, they occupy, I think, about twenty square miles?—Yes; the recent fisheries which have been granted, are the Herne Bay Fishery, consisting of nine square miles, and that was granted in 1864; and the extension of the Pollard Fishery, which is called the "Ham," that was granted in the last session of 1865. Those are the only two fisheries which have been granted, and taking the two together, I think the Ham is about two and a-half square miles, and the Herne Bay nine miles; together they would be about twelve square miles, out of the whole estuary of the Thames.

34. *Then there would be over sixty square miles still left open?—Yes, quite that.* Then with regard to the flatsmen who get a living on this estuary, they obtain their living by getting whelks, and which we should not interfere with on the estuary in any shape or way. The whelks they get over the whole of the estuary, and not upon that portion of the ground which is adapted for oysters. The whelks will live in mud, and in sand, but the oysters will not.

35. Did the flatsmen oppose the Herne Bay Company last year?—No; and the flatsmen did not oppose the Ham Fishery Extension of last year.

36. These flatsmen, besides working over the Flats, trawl, do they not?—Yes. The flatsmen are not opposing the Herne Bay Extension Bill of this year. They opposed the Whitstable Company's Extension Bill, but not the Herne Bay Company's Fishery Bill, who are bringing in a competing Bill; and the inference, I think, is that it is a got-up opposition on the part of the Herne Bay Company and other competing Companies against the Whitstable Company.

N.B—Another and probably a more correct inference might be, that the flatsmen hoped to obtain regular employment under the Herne Bay Company, who not being a body of free dredgers, must hire all the labour they require.

The Herne Bay Company of course cannot answer for other Companies;—but, so far from the Herne Bay Company having had anything to do with getting up this opposition, the fact is that the Flatsmen began by opposing the Herne Bay Bill because it originally proposed to take in part of the Flats northward of the Herne Bay grounds, and marked (a) on the map. When the Company's application was limited to part of "the leasehold ground," (A) on the map, the Flatsmen ceased to oppose their Bill.

37. Using the ground as the Whitstable Company pro-

pose to do, they will not interfere with the flatsmen taking floating fish?—No; we do not interfere with their floating fish, or with the line or the hook; the provisions of the Act are identical with those in the Herne Bay Act of 1864, and in the Ham Act, of 1865.

38. You do not propose to take fish between high and low water mark?—No; we shall not interfere with the branches of industry so employed; many hundreds of poor people get a living along the shore from Canterbury by gathering mussels, whelks, periwinkles or cockles; with regard to one of the petitions presented to the House against the Whitstable Company's Bill, there is a contention going on; they say that they have a lease from Lord Cowper as to the land between high and low water mark, and I believe they say that their lease extends to the land below low-water mark; there is a contention between Mr. Crofts, who represents the Oyster Company, as to the limits to which these poor people are restricted, and he has summoned some of these poor people before the Magistrates at Canterbury for taking mussels contrary to law; but the Justices refused to adjudicate, because Mr. Crofts did not show a title, and they dismissed the case accordingly.

39. Mr. RODWELL: Were you present on the occasion to which you have referred?—*No, I was not.*

40. Mr. GATES: *You have, I presume, ascertained the facts before you came here to speak upon them?*—Yes; the poor people came to me first, but I did not go on with the case.

41. How is it proposed to work this extension of ground if it is granted?—With regard to the extended ground, I may say that the Company already number about 300 working freemen, and it will be impossible for them to work this extension with the same amount of labour; they must therefore employ a great deal of hired labour, and our intention is to work the extension chiefly in that way, that is to say, by the employment of people who are unconnected with the Whitstable Oyster Company.

42. You mean flatsmen and people in the district?—

Yes, anybody who chooses to take service under the Whitstable Company.

43. Instead of buying brood from the adjacent flatsmen, you will hire them and employ them as labourers?—We should have to buy brood all the same to lay upon this ground; the brood that would fall would not be sufficient and therefore we must buy it from off other portions of the flats that can be dredged when it falls; it is only about once in five or six years that they dredge their brood at all; these flatsmen do not get their living by doing that, but it is a benefit to them; when it falls, then they are benefited; their living is obtained by getting whelks, and there is no doubt that they get a decent living in that way.

44. You have spoken about one of the petitions, which is signed by a great many persons, as many as 200?—The petition which is lodged against the Whitstable Company is signed by 140 of the Faversham Company, a competing Company, and by about fifty flatsmen proper only, none of whom have petitioned against the Herne Bay Fishery Bill.

45. One point that is made against your Company by the petitions is, that if you were conterminous with the Herne Bay Company, it might give rise to disputes. I see that you are conterminous with the Pollard Oyster Fishery on the one side and with the Faversham Company on the other. Has that given rise to any disputes?—Never; no disputes ever arise from that contiguity.

46. I believe there have been some petitions in favour of your Bill?—Yes; I have an analysis of those petitions which I have made; one is in favour of the Whitstable Fishery Bill.

47. There is one petition, I believe, from the inhabitants of Whitstable and Sea Salter which is signed by 501 different persons?—Yes, people of different professions. I have one petition which is signed by the dealers in London in favour of the Whitstable Bill; it is signed by 137 dealers. Another petition is signed by dealers, by nine in

Canterbury, twenty-one in Broadstairs, eighty-one in Ramsgate, three at Ashford, seven in Hastings, three in St. Leonard's-on-the Sea, four at Tunbridge Wells, five in Dover, one in Walmer, three at Folkestone, and three at Deal.

48. The Herne Bay Company, by their Act, were *compelled* to make tanks, were they not?—*Yes.*

49. Do you know whether or not they made any tanks?—I wish to mention first that there is a petition against the Herne Bay Bill which is signed by 492 people.

50. Mr. RODWELL: But that is not appeared upon?—It is not on the merits.

51. Mr. GATES: Do you know whether the Herne Bay Fishery Company have made any tanks?—*They have made none at all; from my personal inspection of their ground I see no signs of it.*

52. I believe Mr. Frank Buckland was one of the promoters of that Bill?—There is no doubt of that. I was opposing the Herne Bay Bill all along, and no doubt it was upon the strength of Mr. Frank Buckland's evidence, and the evidence of Mr. Pennell, as to the capabilities of the Company to breed oysters by artificial means that they obtained their Bill. Oysters were very dear at that time, and the Committee seemed to think that they might as well allow the Company to try.

53. Did not Mr. Frank Buckland propose to breed oysters in tanks?—Yes.

54. But no tanks have been made?—*None whatever.*

55. Have they, in fact, bred any oysters by artificial means?—No.

56. Mr. RODWELL: Is there one word in this Bill to compel them to breed oysters?—That I think is within the scope of the Bill.

57. What clause in the Bill is it by which they are compelled to breed oysters?—The preamble is that "whereas by 'The Herne Bay Fishery Act, 1864,' the Herne Bay, Hampton, and Reculver Oyster Fishery Company in this Act called 'The Company,' thereby incorporated were

authorised to make and maintain the several works therein (Section 26) specified, some of those works being works shown on the plans and sections deposited for the purposes of the reciting Act, and others of them being works not shown thereon, and some of those works not so shown being works to be made by the Company from time to time," &c. (*reading*).

Cross-examined by Mr. RODWELL.

58. Having oyster beds, they are desirous of increasing the supply of oysters, and you read that to mean breed? —Unquestionably.

59. That is all in the Bill, is it?—*Yes.*

60. Do you not know that there was a Report made by a Commission that oysters could not be bred in those places; do you not know that?—In what place?

61. In tanks and places of this description; I ask you whether you know that or not?—Are you speaking of the Report of the Fisheries Commission?

62. Yes?—No; but the practical men always said that they could not breed oysters in tanks.

63. I ask you whether, in this Bill, there is one word to say or to show that these people said they would do it?—The evidence of the witnesses called in support of that Bill went distinctly to that, that you could breed oysters in tanks.

64. The words are, "And whereas the Company have proceeded to put the recited Act in execution, and they are maintaining and cultivating their oyster grounds, and they have expended a large sum of money in stocking their oyster grounds, and they have obtained from other parts, and laid down thereon, to fatten there, about 40,000,000 of oysters, and they have already produced on their oyster grounds well-fed oysters, fit for the public market, so as to be of public advantage." You say that the meaning of that is to breed oysters?—That clause, coupled with the intention to make tanks, and coupled with the evi-

dence, shows, I think, distinctly that you intended to breed them in tanks.

65. Here I see tanks, oyster beds, or tanks for the storage of oysters; is that breeding oysters?—*No.*

66. Then where is there a word about breeding in the Act?—It is with reference to the evidence that I mean.

67. But I am referring to the Act; is there one word about the Company I represent being compelled to breed oysters?—I think Sir Charles Fox's evidence went to the fact.

68. But I am asking you about this Act.

Mr. GATES: I was asking him about the evidence.

69. Mr. RODWELL: I am asking him about this Act; is there one word compelling them to breed oysters in that Act?—*None at all.*

70. What difference does it make to you whether they have done what they ought to have done or not; I mean, the Herne Bay people; you complain of their misfeasance or malfeasance?—We say that it was a breach of faith to the public and to the House.

71. Suppose we have not done that which you say we ought to have done, how does that affect you?—We are a part of the public, and we say that it is a breach of faith to the public.

72. Did you prepare this petition against our Bill for the Whitstable Company?—Yes.

73. Is it true that we have already abandoned our works and operations?—*You have already abandoned those tanks for storing the oysters.*

74. Are you prepared to say distinctly that we have not now got a tank there, and that it has not been put down expressly for the purpose of storing oysters; do you not know that we have a tank there at this moment lying there for storing oysters?—*No; I do not know that.*

75. Are you prepared to say the other thing, that there is not a tank there?—*I know that you have no tanks for breeding oysters there.* By the Herne Bay Bill they were to lay out 80,000*l.*

76. I did not ask you about that; to your knowledge is there not a tank down there for the storage of oysters?—*Not to my knowledge.*

77. Will you not venture to say there is not?—*No.*

78. What works do you say that they have abandoned?—*The tanks for breeding those oysters, for which you were to lay out* 80,000*l.*, *according to Sir Charles Fox's evidence.*

79. Have we omitted to do anything in the way of construction that we undertook to do?—I found what you intended to do upon Sir Charles Fox's evidence——

80. Have the goodness to answer my question: can you name to me any single act which the Company I represent were to have done, or any work which they were to have constructed, with the exception of what you call tanks for breeding oysters, which the Herne Bay Company have not carried out?—*I know nothing about your tanks for the storage of oysters.*

81. It is said "that the Company have already abandoned such works," &c. (*reading to the words "oysters"*); do you know that we have sold upwards of 800*l.* worth of oysters?—*No; how can I know such a thing.*

82. Then why did you say that they had not done anything in your petition if you did not know that?—*What I say is, that you have not sold well-fed oysters, fit for the market.*

83. Do you mean to say that we have failed to produce on the ground granted to the Company, well-fed oysters fit for the public market?—*Yes; and we shall prove that you have not done so.*

N.B. The facts are that the Company began selling their oysters at 5*l.* a-bushel, when Whitstable natives were selling at 6*l.* a-bushel. The prices afterwards fell, till the Company's natives fetched only 4*l.* 4*s.*, and the Whitstables 5*l.*

Considering that the Company's oysters had been on their ground only about eighteen months, while the

Whitstable natives had been laid down four years or more, the Company made a respectable approach towards the highest market prices.

84. Have you been down there lately yourself?—Yes; I was there on the 26th of March.

85. That was lately. Did you go over our works then?—I saw your pier and railway, and I looked about to see if I could find any tanks for breeding oysters, but I failed in doing so.

86. Did you find no tanks at all?—No.

87. Did you find any oyster beds?—No.

88. Do you know as a fact that the Company have expended upwards of 60,000*l.* in carrying out these works?—Upon the pier and railway?

89. No; in carrying out the works in connection with this Oyster Company?—It is impossible for me to know, but I should think nothing of the sort.

90. Did you make it your business when you were down there to enquire whether we had spent money, and that we had been bonâ fide proceeding with the works?—I know that you are proceeding with the pier and the railway; but how far you are carrying on the oyster fishery is a different thing. I think that you may be carrying it on to an unappreciable extent; for instance, you have five boats and you employ about twenty men.

91. Do you state that as a fit representation to their Lordships of the state of our business, that we have five boats and about twenty men?—*Yes.*

N.B.—This witness is contradicted as directly by other witnesses as by himself.

Sir Charles Fox's estimate was 89,008*l.* 19*s.*, including 20,000*l.* for dredging and stocking the beds, 12,000*l.* for the pier, 2,376*l.* for the tramway, and 1,890*l.* for diverting a public road. He gave no distinct estimate for tanks, but he proposed to have four, beginning, however, with two, "because they are to some extent experimental." If tanks should

be proved by sufficient experiment to be good for the breeding of oysters, the Company would make them. If they should turn out to be useless there would be no breach of faith to the public or to Parliament as representing the public, if the Company do not throw away money upon them. The Act gives the Company five years for making the works they require, and to accuse them of having "abandoned" any works because they have not more than one experimental breeding tank within the first two years, is to employ that word in, at least, an unusual sense.

Few things could be much more irrational than to suppose, that, because a civil engineer, utterly unacquainted with oyster culture, had estimated for experimental tanks which he supposed might be wanted, therefore the Company, having five years to try whether or not they would be of any use, were bound to make them within the first two years, or be condemned for not having kept faith with the public!

Cross-examined by Mr. PEMBER.

92. Will you be good enough to explain your plan, &c., &c.

116. You say that you intend to use that part of the ground partly for fattening oysters and partly for the cultivation of the breed?—No, we do not intend to use that part, because that is land between high and low water mark, which our Bill does not affect.

117. Does not your Bill propose to take all that piece which is enclosed in the yellow lines?—No, not the foreshore between high and low water mark.

118. You intend, do you not, to take all the land marked blue on your own plan?—Yes.

119. Does that, or does it not, correspond with the

piece of ground which is enclosed within the yellow lines in my plan?—I think it does pretty much.

120. For what purposes shall you use that piece of ground?—As an oyster fishery.

121. Shall you use it partly for fattening and partly for the cultivation of brood after it has been collected?—Yes.

122. Then for those two purposes you will exhaust the whole of it?—Yes.

123. *Is the ground that you have got now fairly stocked?—Yes.*

124. *It is?—Yes, it is fully stocked*; we have been carrying to market about 40,000 bushels of oysters since the season opened.

125. What has been the greatest amount of oysters in value that you have ever had upon that ground?—Upon our own ground 200,000*l.* worth; I should say that we valued the oysters alone on that ground at that sum a little while ago.

126. Did you not, in the year 1859, have as much as 500,000*l.* worth of oysters there?—I should say not; never.

127. I am told that you gave those figures in evidence?—Show them to me.

N.B.—In his evidence before the Sea Fisheries Commission Captain G. Austin said, "the Whitstable Fishery is the largest and most thriving fishery ever known in the shape of an oyster fishery. The stock of the Whitstable Company was assessed last year [1864], by the old men of the jury, at 400,000*l.* I believe they were not far wrong in their calculation; for if it is considered that they can sell oysters which bring them in from 100,000*l.* to 120,000*l.* and 130,000*l.* a-year, and that the oysters generally come to maturity in four years, the parent stock will be worth nearly 400,000*l.*"—"With an immense stock and capital estimated to be worth 400,000*l.* they cannot use all the ground they have now."

128. What is the value of the oysters that you have on the ground now, do you know?—I think I can approximate to the value.

129. Then tell me, if you please, as nearly as you can? —I suppose that we ought to have 150,000*l.* worth of oysters there, after selling off about 60,000*l.* of oysters, since the season opened in August last.

130. How much in value have you got there now?—About 150,000*l.* worth.

131. Is it or not true that this ground within your blue line is confessedly one of the best pieces of ground in the estuary of the Thames for the deposit of spat and brood?—I am not a practical fisherman, and I cannot answer that question.

132. You stated, I think, that after you had taken into account all this ground, you would still leave about sixty square miles in the estuary of the Thames open for public fishermen?—Yes.

133. How much of those sixty square miles is oyster bearing ground?—*There are some very fine brood grounds;* there is the Pensand, the Heckmore, and half-a-dozen more. There is the Gull, the Whitestone, the Pudding, the Penrock, the Pensand, and the Heckmore, and they are good brood grounds when there is brood about. But these flatsmen of whom I have spoken get their living by whelking.

134. Were you ever on the Pensand?—No.

135. Were you ever upon any of the others?—No.

136. That is, you have not spoken from your own knowledge?—No.

N.B.—Captain G. Austin, speaking from his own knowledge, in his evidence before the Sea Fisheries Commission said, "in a good spat season like that of 1858, the spat that fell upon the flats was worth, at the lowest farthing, 400,000*l.* or 500,000*l.*"

137. You propose, as I understand you, to work this

ground within the yellow lines by hired labour?—We do so intend chiefly.

138. Are the members of your own Company a very hard worked set of men, the fishermen?—No; they are not particularly hard worked, but they do a good deal of work, they have other avocations which they follow at times.

139. How many hours a-day do they work at the oyster fishery?—It varies very much, according to the stint they have to catch. They work sometimes for three or four hours, then sometimes for six hours, and sometimes for eight hours when they are doing that work.

140. That is sometimes, but what is the smallest amount of work that they do, or the smallest number of hours?—They will tell you; they will be called as witnesses.

141. You must know something about it?—Yes; I know a good deal.

142. Do they work on the average an hour a-day?—Certainly they do.

143. Do you think they work two hours a-day?—Just now at the end of the oyster season, very likely they do not work above two hours a-day; I may be wrong.

N.B.—Mr. Nicholls, the foreman of the Whitstable Company, in his evidence before the Sea Fisheries Commission had said that, taking the whole season through (between nine and ten months) the average work would not exceed two hours a-day.

144. When do the oysters cease to be sent to market?—In the month of May.

145. When do they begin to come to market?—On the 3rd of August.

146. What is the best time for collecting the spat, and removing the spat and brood?—All through the year; they move it constantly; they work there in doing it.

147. What is the best time for removing the spat and

the brood, is it not between May and August, or in the warm weather?—Of course we should move it then; we are not taking oysters to market at that time, that is when we collect the brood, it is a reasonable time.

148. That is the slack time of your men as to the oyster fishery?—Yes, it is the slack time, so far as the catching oysters for the market is concerned, but it is the time for hard work in keeping the ground clean.

149. And as to collecting the spat?—Yes, for getting the spat also, wherever we can get it.

150. Although you have said that you remove the spat all the year round, is it not true that it is a dangerous thing to remove the young brood of oysters in cold weather, as they will not bear the carriage?—It is a very dangerous thing.

Cross-examined by Mr. MARSHALL GRIFFITH.

151. You have been for sometime solicitor of this Whitstable Company?—Yes.

152. Can you tell me how many persons there are who are members of the Company at the present time?—I think there are nearly 400 altogether.

153. Who are the persons who are entitled to be members of the Company?—Every son of every freeman is born free of the Company, and is entitled to take his freedom on attaining the age of twenty-one.

154. Out of that number would they all be working men?—Nearly all; about 300 of them actually work on the ground, and others of them live elsewhere, some of them are in Australia, I believe about three or four of them are in Australia; there are not many there now; they follow other businesses.

155. Are you able to say what number of persons there are in Whitstable who get their living by fishing, other than members of the Company?—There are about a hundred people.

156. Are there not more than three hundred?—Cer-

tainly not; there are about a hundred of them whom we call flatsmen proper.

157. What enables you to put down the number at the figure of one hundred?—Because I know all about these flatsmen.

158. Are there not more than one hundred who get their living by fishing?—No; I think that would include those who are employed in the Pollard Fishery and others; it includes all the non-freemen.

159. Do you mean to use the word "flatsmen" as describing any person who is engaged in fishing in Whitstable not being members of your Company?—Yes.

160. What is the whole extent of the ground that you now consider to be sought by the Whitstable Company?—Nearly three square miles.

161. Have you had measurements taken of the ground to enable you to say?—Yes.

162. When were those measurements taken?—They were taken within a few days.

163. Have you got the witnesses here who took those measurements?—I have got a witness here who took the measured ground as laid down on the plan.

164. The measured ground, as laid down on the plan, is the ground which the Whitstable Company now consider to be their own?—Yes.

165. What is the extent of the ground which, by the Bill, you seek to obtain?—Three square miles.

166. Of the ground that you at present possess and use, how much of it do you use as fattening ground?—Nearly two square miles; *all we can possibly use is used as fattening ground.*

167. What do you do with the other one-third, the rest of the ground?—Part of that ground is given up for the anchorage of vessels, the remainder is between high and low water mark, which is valueless I should say for the oyster fishery.

168. How much do you give up for the anchorage of vessels?—About 300 acres.

169. Do you put down the other 400 acres as the land between high and low water mark?—That is much about it.

170. Is your answer this; that *all the land* which is not occupied for the anchorage of vessels, or which is not land between the high and low water mark, is land that is used by you for fattening oysters?—*Yes.*

171. There is *no other land* you now possess, or the Whitstable Company, which will be available for that purpose?—*Just so.*

172. Is it not the fact, that your Company have for many years past bought large quantities of spat from these flatsmen?—Yes.

173. The quantity of spat varies, I believe, very much in different years, does it not?—Yes; it varies very much indeed. We have had none for the last three or four years, and that is what makes oysters so very dear.

174. The year 1858, I believe, was the great spat year?—Yes; 1858 and 1859 were excellent spat years.

175. With regard to this piece of ground that you now seek to obtain possession of, I believe that is excellent fishing ground for other purposes, besides the spat?—There are very few flat fish.

176. There is a large fishery in whelks, is there not?—They are to be found everywhere; but there are not so many there as there are further out, where the sand and mud are.

177. With regard to the flatsmen, do they fish continually there for whelks and for other fish?—They fish occasionally there, a few of them.

178. Do you employ upon your grounds any other persons except the present freemen of the Company?—No; not on our present fishery. We intend to work the proposed extension chiefly by hired labour.

179. With regard to the Herne Bay Company, do you know whether they employ hired labour or not?—No; they employ a few men.

180. Would not the flatsmen have an opportunity, if they wished it, to be employed by the Herne Bay Com-

pany, if they wanted to employ hired labour?—The Herne Bay Company, when they got their Bill, professed to give an immense amount of labour, which was one reason why several of the flatsmen came forward and supported them, and what they complain of now is, that the Herne Bay Company have given them no labour whatever, except to a few men.

N.B.—The flatsmen did not oppose the Herne Bay Company's application for "the leasehold ground" (A) on the map.

181. Do not the Herne Bay Company carry on their works and operations by hired labour?—Yes.

182. With regard to this petition of ours that you spoke of, you said that it was signed by eleven persons belonging to the Ham River Company, did you not?—The Ham Fishery and the Pollard Fishery.

183. Can you point out to me the names of any persons on this petition who are members of this Company?—I have not got my analysis here.

184. Looking at the list, can you tell me of any one person belonging to that Company who has signed that petition? You said that there were eleven in the Ham River Company?—I cannot put my finger on them now unless they were pointed out to me. I think, however, that there is a witness who will prove it.

185. You stated, I think, that the petition was signed by eleven persons belonging to that Company?—Yes; but I analysed the petitions with the assistance of those who were competent to aid me.

186. Do you say now that there are the names of eleven persons who are members of the Ham River Company?—The Ham Fishery; the Pollard and the Ham.

187. Will you point out the names of any persons who are members of either the Pollard or the Ham Fisheries?—I think there is a man of the name of Stroud there.

188. Will you point the names out?—There is William Stroud, junior.

189. But how do you know that Stroud is a member of that Company?—Not a member of the Company; he is employed by the Company.

190. All the other names are the names of persons who were only employed by the Company?—Yes.

191. You said, as I thought, members of the Company? —Certainly not; these are flatsmen employed by the Company.

192. Persons in the Ham Fishery Company, you said, did you not say?—No: I intended to say that those men who signed this petition are members chiefly of the competing Companies with the Whitstable Company. I said that 140 were members of the Faversham Oyster Company, and about fifty-three were flatsmen proper, and only about eleven belonged, meaning that they were employed by the Ham and Pollard Fisheries. But their gains will be very little interfered with. *We do not find that the Herne Bay Fishery has interfered with the gains of these flatsmen at all.*

Re-examined by Mr. GATES.

193. You have been asked whether the Herne Bay Fishery Company employ hired labour?—Yes.

194. The dredgermen, I believe, are not members of the Herne Bay Company, are they?—Which dredgermen do you mean?

195. I mean the common labourers?—No.

196. It is quite a different Company to yours, is it not? —Yes.

197. They are a separate lot of shareholders?—Yes.

198. They are scientific gentlemen, I believe, and not labourers?—Yes; theirs is a Joint Stock Company, a Co-operative Association.

199. Instead of employing a great quantity of labour, and which they represented they would employ, I believe they employ only about about twenty men?—*Yes.*

206. Mr. GATES: My learned friend Mr. Rodwell cross-examined you as to whether anything was in the Herne

Bay Company's Act which compelled them to lay out money on their works; were you present when they gave evidence before the Committee which passed the Bill?—I was, the whole time.

207. Did they put it forward before the Committee that they intended—

Mr. GRANVILLE SOMERSET objects to the question, on the ground that if former evidence is to be gone into the question and answer should be read.

208. Mr. GATES: I will read it from the evidence of Sir Charles Fox,—Q. 600. Part of the operations proposed is to construct some tanks, is it not?—A. Yes.—Q. A sort of inland beds for the propagation of oysters?—A. Yes.—Q. How many do you propose to have?—A. Four; I should think at first they would only construct two, because they are to some extent *experimental*.—Q. Would they be connected by a line of flood-gates, so as to admit the sea water to flow in and out?—A. Yes.

Mr. GRANVILLE SOMERSET objects on the ground that Sir Charles Fox might be called to give evidence on the present occasion; and that the evidence given in 1864 could only be understood as a whole.

The CHAIRMAN states that the Committee does not think it necessary to interfere with Mr. Gates' examination.

209. Mr. GATES: And in the same way, Mr. Buckland, in the year 1864, before the House of Lords, asked this question. It is put by Mr. Francis: "This Company proposes to breed oysters in tanks?—A. They propose to breed oysters in tanks and also in the open air?"—Yes.

210. Now, in point of fact, you say that they have made no tanks?—*They have made no tanks whatever.*

211. You have been cross-examined further as to whether there was an experimental tank at Herne Bay; do

you know one constructed by Mr. Crofts?—I know an experimental tank which is constructed half a mile to the west of the Herne Bay Company's ground on the beach, constructed, as I understand, by Mr. William Crofts, the promoter of the Herne Bay Company; but *it is not constructed on the Herne Bay Company's ground.*

212. But by Mr. Crofts, the promoter of the Company? —As I understand.

213. Has that, do you know, succeeded for the breeding of oysters?—I believe it is an utter failure; it is constructed with great ingenuity, they have hot water apparatus for the purpose of forcing the oyster to breed quicker, as I understand.

214. But at all events the question has resulted in utter failure?—*It has resulted in utter failure.*

215. You have also been asked about the quantity of oysters which the Herne Bay Company sent to market and sold?—I know nothing of my own knowledge; I simply hear we have a witness to speak to that.

216. Have you heard of some being returned?—Oh, yes; they sent some to Canterbury, but they would not look at them.

217. Do you know of their having sent any good oysters to the fish markets?—No, I do not.

N.B.—The tank is not on, but is not far from the Company's ground. It was made with the Board's permission by Mr. Crofts, the late superintendent, entirely at his own expense and risk and in connexion with a patent for artificial oyster culture which he has taken out, and it is still experimental. The Directors have no sanguine expectation that it will succeed, but it is too early to pronounce it an "utter failure."

Mr. JOHN HAMMOND NICHOLLS, *sworn.*

N.B. Mr. Nicholls is a highly respected member of the Whitstable Company.

Examined by Mr. GATES.

218. You are foreman of the Whitstable Company?—Yes.

219. You have been foreman for several years?—Yes, for nearly sixteen years.

220. And have you for above fifty years taken an active part in the Company's business?—Yes.

221. Do you know the eastern boundary of your present grounds?—Yes.

222. And have you heard Mr. Plummer give his explanation of it; and, if you have heard it, do you agree with him?—Yes.

223. And have you for years made use of the ground up to Whitstable Street?—Yes, as long as I can remember.

224. And are there notice boards warning the people off?—Yes.

225. Stuck up on your grounds?—On our grounds.

226. Of how many freemen does your Company consist?—Nearly 400, between 390 and 400.

227. Do the widows of the freemen take any benefit?—Yes; and there are forty-seven of them.

228. In all are there nearly 2,000 persons who are dependent on your fishery?—No doubt about it.

229. We have been told that you have about 100 yawls or smacks?—Between 80 and 100.

230. Is your Company the largest suppliers of oysters for the London market?—By great odds.

231. *Are you dependent for the brood upon being able to purchase it from other people?—Yes.*

232. Your land is all taken up with the layings for fattening the fatters?—*Our ground will never keep us supplied, not with spat.*

233. You purchase brood from other owners?—Yes.

234. To keep your own layings full?—We purchase brood from Essex as well as flats.

235. Let us know a little about the management of your Company; your Company is managed by a foreman, deputy foreman, and jury?—Yes.

236. And others, officers elected annually at a water court?—Yes.

237. You know the quantity of brood that you have purchased for the last several years?—Yes.

238. And you gave it to the Fishery Commissioners?—Yes.

239. What did you tell them?—From 1845 to 1846; I told the Commissioners up to last year.

240. How is the working of your grounds carried on, and the getting of oysters, and sending them to market?—Each man has so many to catch, and they are put into a market boat and sent to London.

241. How do you determine the quantity each man is to catch?—That is done by myself and the jury overnight, and we send them up in the morning.

242. Having done their allotted work, how much are they paid?—So much by the day, or, if they think proper, so much for the voyage.

243. Do they get anything if they do not work at all?—*Oh, yes; they all have a part whether they work or not.*

244. Do those who do not work get as much as those who do the work?—*No, of course; the sick and infirm have as much within a shilling a-day for the voyage as the man who goes catching, and the widows, they have about a third.*

245. And what do the non-working freemen get?—*The non-working freeman gets the same as a widow.*

246. We know that some of your present ground is used for the anchorage ground; have you, in point of fact, sufficient ground in your present Company?—We have

not had for the last six or seven years; we have had more stock than we have had ground to lay it on.

247. If we should have the good fortune to have a good spat, you would not be able to make the most advantage of it?—No.

248. Has there been an increasing demand for your oysters lately?—Oh, yes; very much, of late years very much.

249. Whilst your power of supplying the demand has diminished?—Yes.

250. And is that the reason of your coming to Parliament again, to ask for an extension of the ground?—Yes; to ask for an extension of the ground.

Cross-examined by Mr. GRANVILLE SOMERSET.

251. Is your land full?—No, *it is not full*, but it is covered over from one end to the other *here and there;* they are not altogether, if you understand me, not touching each other.

252. I will change my expression. Is it fully stocked?—No; I should not call it full.

253. When was the last good spat year; 1857, was it not?—1857 and 1858.

254. Is there as much stock now as there was in 1859; is it as fully stocked now as then?—No.

255. Half as much?—No.

256. A quarter as much?—Oh yes.

257. Shall I put it at a third?—*You may put it at a third.*

258. Yes; but would that be fair?—*You may put it at one-third.*

259. Would it be true?—*As near as I can tell you.*

260. Thank you, that will do: two-thirds less stocked than in 1859. Was not the last gentleman mistaken in his estimate of two square miles; is it not nearly four?—I think not.

261. I want the fact?—Well, I never measured, myself; we have a party who has measured it; all that I know is the length and breadth I use.

262. That is not my question. I will take that, however, if you like. What is the length and breadth?—The length we use is about two miles.

263. You cannot give me the length and breadth of the ground you have power over?—I should say the width; the breadth of the ground we use——

264. No, not that, but what you have power over; you have given me what you use?—*Nearly as much again as we use for laying stock.*

265. You are very prosperous, are you not?—At present we are.

266. And I hope you will continue?—I hope so, too.

267. Let me ask you this: You have been connected with the Company fifty years?—Nearly; thereabouts.

268. Nearly; well, in that time have the freemen increased?—Oh yes, more than half.

269. More than that, have they not?—More than ever, since I was a freeman.

270. You were examined before the Deep Sea Fishery Commissioners?—Yes.

271. Of course you told them what was the truth?—I did tell them what was the truth.

272. Of course you did; I am not disputing that. You said the number had increased from 36 to 408?—Thereabouts.

273. When you began, the thirty-six gentlemen began with borrowed money?—Yes.

274. 30,000*l.*?—Yes.

275. Have they paid that off?—Yes.

276. Is your property (I hope this is not an important question) worth at least 300,000*l.*?—I really cannot tell.

277. Well, now, you told us last year?—That was a mere guess; it is impossible for any man, or any number of men, to tell what it is worth.

278. I should not put it too high at that?—I could not say within 50,000*l.* if I was to guess.

279. It is so large, is it?—*We cannot tell what the amount of it is.*

280. I hope, as you have increased to 408, the 408 are better off than the 36?—They are none the worse; not a bit.

281. The thirty-six began by borrowing money, and last year 112*l.* a-piece was divided among you?—Yes.

282. That would make 40,000*l.*?—Well, last year we had to pay income tax, we shall not do that this year.

283. Last year?—Yes.

284. And the year before?—Yes.

285. And for a good many years back you have?—For a good many years back we never did.

286. The two last years 112*l.* you say?—Yes.

287. The year before, 100*l.*?—Never before above 100*l.*; I have not got above 100*l.* off the ground but the year before last.

288. What two years?—40*l.* and 50*l.*, 50*l.* and 60*l.*, was about the average.

289. It was about three years ago you paid off your debt of 30,000*l.*?—Yes.

290. And now you divide forty or fifty thousand among you gentlemen?—Yes.

291. And you have two-thirds less stock upon your land than in 1859?—*Yes; and perhaps it is worth as much money now as then.*

292. You charge us more for oysters?—Yes; if we could let you have more oysters we could let you have them for less money.

293. You understand all about oysters and spat, and so forth; do you think it is a good thing for oyster grounds to have rival oyster grounds outside of them?—I cannot answer that question.

294. You do not think it is a good thing?—*No, nor a bad thing whilst they are good neighbours and work honest.*

295. I do not wish to use the word bad neighbours,

but competing neighbours; do you think that is a good thing?—Competing neighbours? My idea of a bad neighbour would be one who tried to thieve; that is my meaning.

296. I mean simply competing neighbours, neighbours who want to get each other out of the market?—*I do not mind how many we get for the market, for I believe there is a sufficient market for every one who has sufficient good oysters to sell.*

Cross-examined by Mr. Pember.

297. What lies quite east of your easternmost boundary. You spoke of your easternmost boundary?—What lies beyond that?

298. Yes?—It is public.

299. That is to say, the public dredge over it?—Yes.

303. Who does your Company purchase brood of?—Anybody that can sell it.

304. The brood off this public ground, who gets it?—The public who work for it.

305. Your own members work for it?—Some of them do.

306. They sell to your Company?—They do.

307. They constantly work there in the winter time?—Many of them.

308. And that is how they employ their time in the winter?—They have no other way to do it.

309. They collect the brood and sell it to the Company?—What they can get.

310. I believe that is a very good bit of ground for spat and brood?—Which?

311. That which lies eastward of you?—*Yes.*

312. That is about the best bit, a vast quantity falls there?—Not vast.

313. The fall of spat is always capricious; it is always accidental, more or less?—It is always accidental, where it falls.

314. It is more likely to fall on a piece of ground

where there are oyster beds on each side?—Where they lay in the stream.

315. The stream in front of that ground?—Yes.

316. And there are oyster beds on each side; yours on one side, and the Herne Bay Company's on the other side, are there not?—We call them ends, not sides.

317. If your Company get this piece of ground, what would they use it for?—To cultivate the brood.

318. They would not use it for dredging over?—Oh yes, that is what they do.

319. Do you mean to say they would dredge over the same piece of ground they would cultivate?—They would dredge over it before it is fit for anything, and cultivate it properly.

320. What would they dredge for?—They would dredge to keep it clean.

321. Not for the sake of getting the spat and brood?—No; to keep the vermin from it; if we did not do that we should lose the brood.

322. If you dredged it for any other purpose, would you lose your beds?—It all depends upon the time of year; in summer, perhaps, you would not hurt it.

323. Anybody may work there now?—Yes.

324. What men would you employ?—We should have to employ our own and also others to go.

325. You would employ their own people if they would go?—Yes; most decidedly, our own people would go to work, and the other people would go to work just the same as they go to work on the fields when it is public ground.

326. They would go to work, provided your own men could not gather all the spat and brood?—If we had not work enough for other people we should occupy our own people.

327. You were foreman of this Company in 1858?—I was in 1858.

328. That was a wonderfully good spat year, was it not?—It was very good.

329. It was shortly after that you had the largest stock of oysters you ever had?—I think Mr. Johnson could answer for that better than me.

330. Never mind that: I want your statement?—Mr. Johnson could answer better; he had the pleasure of seeing them.

331. You get about as much spat as you want on your ground then?—No; if we had had more ground at that time, we could have put it so that we should not have lost so much by death.

332. What do you mean by death?—If we had had more room to lay the brood on the ground we should not have lost so much by death on account of laying them so near together.

333. After that you had more than you have ever had since?—Yes.

334. Your last two years have been the best you have ever known?—We have had more money, if that is what you mean.

335. As much money as in that year?—Yes; because we worked ourselves out of debt the year before, and then, instead of having to pay to our creditors, we divided it among ourselves.

336. *Your ground is one-third full*, you told my friend? —*That is as near as I can say.*

Cross-examined by Mr. C. MARSHALL GRIFFITH.

337. You gave to the Sea Fishery Commission the amount you paid for labour in each year; would that amount be divided among the working members of the Company?—The last two years were somewhere about 112*l.* divided to each member; the year before that between 80*l.* and 90*l.*; the year before 60*l.* and 70*l.*; and the years before that, many years it was between 60*l.* and 50*l.*, 40*l.* and 50*l.*

338. You do not quite understand my question; you

made a report of the price paid for labour from the August in each year to the May in the next year, and I see the report states, in the year 1862 and 1863 40,000*l.* was paid for labour, in the year 1863 and 1864 46,000*l.* was paid for labour; the question I ask you is, would that amount be divided among the working members of the Company?——No, no; the whole of the members, men, widows, and all.

339. What number of working men would there be in these two years?—The working men are generally about 300; they have been about 300 the last two years.

340. And what is the number of widows?—Forty-seven; and then there were between thirty and forty infirm people and invalids during this year.

341. And what proportion would be paid to the widows as compared to that paid to the working men?—About one-third.

342. That would give each working man something more than 200*l.* a-piece for each of those two years?—No, no, I doubt not; I do not think you will find it to be so.

343. I am told that would be 281*l.*; you know that is your calculation, upon your own figures?—I tell you plain and positive that the money received was 112*l.* the year before last, and last year somewhere about that; if I made any mistake I did not know it, I have not done it wilful.

344. Would they be able to earn anything else besides that which would be paid to them by members of the Company for any work; if they went out for themselves to dredge, for instance, would what they got be in addition?—All that they get besides they have.

345. How many men gain a livelihood by fishing in Whitstable who are not members of your Company?—There may be more than 100.

346. May there be 200; shall we put it at 200?—No; oh, no.

347. How many do you think?—Very little over the 100.

348. Are there a large number of persons besides those

belonging to the Whitstable Company who fish this ground?—There have been.

349. Is there not a considerable amount of fish to be obtained there, even when no spat can be had?—No flat fish.

350. I did not say flat fish; is there not considerable fishing of whelks?—There are very few whelks.

351. What is the largest number of boats you have ever seen fishing on that ground?—Well, perhaps I may have seen 100; that has not been of late years; there have been very few of late years.

Re-examined by Mr. GATES.

352. Your own freemen dredge this ground to the right of you?—More of our own freemen than others.

353. Your Company has been doing very well, Mr. Nicholls, and, of course, you are glad of it; everyone has been asking you that; I suppose there is no secret about it?—No; we have done very well.

354. And you attribute that to your being practical men, and not scientific men?—We believe we can beat the science; we should like to have a little help from science if we could get it.

355. If you had it could you increase your supply, I mean if you had this ground?—If there should come a heavier spat and brood we could.

356. At the present time you have less stock than in 1859; 1858 and 1859 were two good spat years?—Yes.

357. At that time there was not quite so much of your ground taken up for anchorage as now?—Well, there is not much difference.

358. Have you since that had a difficulty in getting a sufficient brood?—Since when?

359. Since 1859?—These last three years we have not got so much as we should like to have got; that has been the occasion of the oysters going up to so high a price; we have had to give so much for the brood.

360. If you get this extended piece of ground you will have to prepare it for making the beds in it at considerable expense?—It will be a vast expense to clean it properly.

361. What do you mean by cleaning?—To cultivate it; taking away the rough soil, and making it proper clean ground.

362. Clearing away the weeds and destroying the mussels?—If there are any mussels we shall have to take them away, certainly.

Mr. JAMES MITCHELL, *sworn.*

Examined by Mr. PLUMMER.

363. You are the originator and manager of a fish and oyster dealing Company?—Yes.

364. You have had considerable acquaintance with pisciculture?—Yes, since 1849, when Gélini et Rémy first brought in the subject of artificial culture of fish in France.

365. And I believe you have studied oyster culture as well?—Yes.

366. Practically?—Yes.

367. Have you paid attention to the native oyster fisheries?—Yes, I am tolerably well acquainted with the native oyster fisheries.

368. Can you name those that you have visited?—I have visited nearly all, from the Colne downwards.

377. Do you know the ground the Company have applied for?—Not practically; I have visited the ground in the neighbourhood, but I could not say I know of my own knowledge the nature of the bottom in that particular piece.

378. How would you judge of the qualities of a piece of ground for the purpose of laying oysters?—Well, there

is a particular class of soil that is found in almost all the native oyster beds, but that ground may be in a state more or less fitted for laying oysters, according to the attention paid to it.

The CHAIRMAN suggests that it is not necessary to go into the details of oyster culture, the object being to know whether the Whitstable Company should or should not have additional ground given to them.

379. Mr. PLUMMER: You think, however, there would be a great advantage in increasing the area of the oyster beds?—Certainly. I agree with what the Commissioners say. I think there can be little doubt, that what is done in France shows that. Because in France they have hardly any oyster layings which are proprietary, in our sense of the word. That is one of the reasons why they are so short of supplies, and have to come and buy in this market. The only proprietary grounds they have are foreshores.

380. You have experimented on oyster culture at Southend?—Yes. The Company, which was more an experimental Company than any other, have gone further into the actual trial of what is generally called the artificial system than any other; and I am sorry to say that *the results are by no means satisfactory.*

381. You think the land applied for by the Whitstable Company is not adapted for that species of oyster culture?—I was talking of the foreshores; what is called artificial culture, has been conducted on the foreshores hitherto.

382. Do you think that the oysters ought to be laid in deep water?—I have no doubt whatever. The results of experiments show that in this country there is hardly anything to be done, except in deep water, that is, water below low water mark. That I attribute to the climate.

383. With reference to the practicability of the Whitstable and the Herne Bay Companies working an exten-

sion, do you think the Herne Bay Company's capital sufficient to make them work their present fishery well? —It depends on whether they maintain or get rid of the clauses binding them to lay out money in works. If the original scheme was carried out their capital for the purchasing of stock would be clearly insufficient.

384. According to that scheme 80,000*l.* or 90,000*l.* is to be laid out in works?—80,000*l.* out of the capital of 100,000, I understood.

N.B.—The Company have already made the whole of the works which their Act obliges them to make. They have laid out more than 25,000*l.* in clearing and stocking part of their grounds, and they have the command of 40,000*l.* capital, subscribed but not yet called up, and 25,000*l.* which they may borrow on mortgage, not one shilling of which are they *obliged* to lay out on works.

385. Where the fishery is established there is a risk of losing many oysters by death, is there not?—That is a practical question that a dredgerman would be better able to understand, but I have always understood so; I have been informed so; that it was almost impossible to tell beforehand what the result will be. It is only experience that will show.

386. In estimating your capital, that is to be taken into consideration?—The risk of loss?

387. Yes?—Evidently.

388. What would be the result of such a loss to the Herne Bay Company?—A Company possessed of 20,000*l.* for the purchase of stock might, under certain unfavourable circumstances, lose the greater portion of it in one year.

389. You do not think it possible that, with the present capital of the Company, they can succeed?—Yes; I think they might succeed, supposing they get rid entirely of the clauses requiring them to lay out their capital in unproductive work.

390. If they keep these clauses, it is evident that the Company cannot succeed, that they cannot carry on their fishery?—Nobody can say that, but everybody can see the circumstances are unfavourable.

391. Do you think that if the Whitstable Company had the extension of ground that the public would be benefited by the supply of oysters being increased?—If the public would not be benefited by the Whitstable Company, there is certainly no other Company that could benefit the public by cultivating that ground. The results of the working of the Whitstable Company clearly prove what they can do. The large number of men they have in their employment is an immense advantage.

392. Do you think they have enough capital for the purpose?—Their labour is their capital chiefly. The history of the Company shows they can always command capital sufficient for any emergency.

393. Do you know the extent of the flats?—Yes; I should say I know it entirely from the charts. I have been over the flats, but I go by the charts with regard to the size.

394. Is it a fact that Channel oyster and native oysters are the only oysters that came to market?—No; there are many others. In these later years a great variety of oysters have come.

395. The native oysters are incomparably the best, are they not?—Well, the price is the criterion.

396. That would be the criterion?—Certainly.

397. Do you think that private layings are necessary to increase the supply of the brood?—I have no doubt about it.

Cross-examined by Mr. RODWELL.

398. What are the clauses you suggest which are unproductive for the Herne Bay Company?—Those which relate chiefly to works.

399. You seem to have gone into the question. Will

you just tell us which you think ought to be altered?—I am sure the tanks are of no use.

400. They all talk against the tanks. Is there anything else?—The tramway and a junction railway. The idea of preparing a railway to bring your oysters before you have produced them, seems to me an idea that no practical man would have entertained. The jetty and landing place especially, considering the water carriage. You dredge oysters, and then, instead of sending them up by water to Billingsgate, you put them on the tramway and delay the passage of them; *water carriage is decidedly the quicker way.*

401. I thought transit by railway was quicker than by water; do you not think that oysters can be conveyed by railway quicker than by water?—Everything considered they are certain to arrive at Billingsgate by water.

402. Are there not a great many people who have oysters in London without going to Billingsgate for them?—I suppose there may be.

403. Can you not imagine cases in which it is more convenient to have rapid transit by railway than the more tedious one by water?—No doubt there are such cases.

404. Are those the unproductive clauses to which you refer?—There are the dams, buildings, workshops, stores, cranes, floodgates, sluices, and other things.

405. Those are unproductive, are they?—They are undoubtedly unproductive.

406. They do not produce oysters, that is what you mean?—And do not tend to lower the prices.

407. You do look upon these things as facilities to carry the oysters to market?—I do not see how floodgates and cranes can assist oysters to market.

408. Perhaps you think some of those things may be necessary for the purpose of putting the oysters on the boats?—Not in the least; you cannot have a better model for oyster fishing than the Whitstable.

Cross-examined by Mr. PEMBER.

409. When were you asked to give evidence on this Bill?—A fortnight ago.

410. You have been down to see the ground since?—I have not been down since.

N.B.—It is to be inferred that this witness had been told that the Company were obliged by their Act to spend 80,0000*l.* out of 100,000*l.* on useless works, and had believed it!

A very small endowment of common sense would have led most men not only to question the possibility of such an absurdity, but also to hesitate in asserting that carriage by water is decidedly quicker than carriage by railway, and in condemning as unpractical the idea of having a railway ready to be used when it should be wanted.

Mr. FRANCIS FRANCIS, *sworn.*

Examined by Mr. GATES.

411. You have given attention to the cultivation of fish?—Yes; I have to the subject of the oysters, crab-fish, and so on.

412. In order to increase the supply of oysters, do you think it is desirable to develop the present fisheries, before trying further experiments?—I think so certainly.

413. Do you know the Whitstable fisheries?—Yes; I visited them.

414. Have you any doubt that if they get the additional piece of ground they are applying for, that they

will increase largely the supply of oysters for the London market?—Not the least doubt at all.

415. You know the nature of the soil there?—Yes; the nature of the ground that they appear to be applying for is very similar to their own, excepting that it is much more foul at present.

416. But that will be dredged and cleaned?

The CHAIRMAN requests that the evidence of this witness should be on points not yet before the Committee.

417. Mr. GATES: You think there is plenty of culch to be cleaned or dredged?—Plenty there now; but there is a great deal of vermin there, which is very prejudicial at present; there is a great deal of vermin on it, very prejudicial to the Whitstable Company, because it migrates from that ground.

418. You mean such vermin as five-fingers, mussels, and the like?—Yes.

419. They are the natural enemy of the oyster?—Yes; on a recent occasion at one haul of the dredge we took up 150 five-fingers, which would have made very short work of anything like a brood.

420. At the time you hauled up that did you get any oysters in good condition?—Very few indeed; while dredging that ground we did not get more than one or two at a dredge; very few oysters indeed were on that ground.

421. In what condition were those you did catch?—They were in very fair condition.

422. That shows, I apprehend, that the soil is suitable?—The soil is suitable, I should say, certainly.

423. If it were dredged and cleaned, then, you think, it would be beneficial to the public, and increase the supply?—Unquestionably it would.

426. I suppose you agree with the Fishery Commissioners, that to increase the supply it is necessary to have

private grounds?—I think it is the only possible way of increasing the supply. At present the system is to destroy the public beds; and, therefore, if you do not have private ones, you cannot increase the supply.

427. The Herne Bay Company have tried a portion of the ground; do you think they can make use of it as beneficially as we can?—It appears they cannot make use of the ground they have got. I do not think they can; and surely they cannot want any more.

428. (By a LORD): As to the ground to the east of the Herne Bay Company, is that well adapted for oysters?—It is very difficult to say. In the east we found very few oysters; I cannot say the condition of the oysters. It would be very well adapted for laying oysters for the purpose of growth; but they must be placed on better ground to fatten them, and make them fit for market.

Cross-examined by Mr. RODWELL.

429. You know this blue piece of land (*pointing to the map*); you know that is the piece the Herne Bay Company are asking for?—No; there is more.

430. This blue piece upon which my finger is?—You have taken the foreshores, and they are not in the plan.

431. This is not my plan; I will take your answer, this plan is a little incorrect, then; do you know that at present the Herne Bay Company have leased this from Lord Cowper, the lord of the manor?—I do not know.

432. You say you do not think it will be any use to them?—Which?

433. This land, I thought you said, would not be of use?—If you will explain the question you wish to ask me, I will try and answer it. What piece of land is it you mean?

434. This, where my finger is (*pointing to the map*); would it be of use to the Herne Bay Company?—It would be of use, unquestionably.

435. I misunderstood your answer; are you connected with the Whitstable Company?—Not at all.

436. Do you know there is a tank on that piece now? *No, I do not.*

437. Have you been down lately?—*About three weeks or so ago, and I saw no tank there then.*

438. Not anywhere?—*No.*

N.B.—The witnesses who went to the ground and did not see Mr. Crofts' tank, could scarcely have been anxious to find it.

Cross-examined by Mr. PEMBER.

450. When you said this piece of ground would not be wanted by the Herne Bay Company, you mean they had plenty; that the ground was not full?—I do not see how it can be.

451. Your idea is, fill one piece of ground before you ask for another?—That is reasonable.

452. When you were down looking at the Whitstable ground, was that fully stocked?—Fairly stocked; there was a very reasonable stock upon that.

453. Did you hear Mr. Nicholls' evidence?—I did.

454. Did you hear him say the present stock was not one-third they had had?—Yes; you may have too many on.

455. Did he say so?—He did; a great many died.

456. I suppose there are other causes from which those oysters might have died?—Overcrowding is the most probable cause.

457. You say the beds of the Whitstable Company are pretty well supplied with fish?—I say they are reasonably stocked. They are not overstocked, nor very much understocked. They have been taking all the season, and you do not expect them to be so fully stocked at the end of the season as at the beginning.

458. What number of oysters are they capable of holding?—It is impossible to say.

459. A vast number?—Oh, yes, a vast number.

460. By being fairly stocked, I suppose you mean with tolerably full-grown oysters?—Yes, there is a good many full-grown oysters.

461. Most of them are beyond a size that vermin would not hurt much?—Oh, vermin will do damage to full-grown oysters.

462. What sort of vermin will damage full-grown oysters?—Five-fingers and dogwhelks.

463. What sort of a fish is a five-finger?—A large star-fish.

Cross-examined by Mr. C. MARSHALL GRIFFITH.

464. What is the character of the land?—The land is patchy, if you understand what I mean by that. There is a good piece here, and a bad piece next; then a good one, and then a bad one. There is a better piece here, then some parts are not very good.

Re-examined by Mr. GATES.

475. You say you have been over the Herne Bay Company's grounds?—No.

476. You have been in the neighbourhood?—Yes; I have seen their fishery from a distance, sailing round the outside.

477. Have you seen Mr. Crofts' tank?—No.

478. Do you know anything about the experiment of raising oysters in tanks?—I told Mr. Mitchell it would not succeed in this country, and the result has justified the opinion I then gave.

Mr. EDWARD JOHNSON, *sworn.*

Examined by Mr. PLUMMER.

479. You are a freeman of the Oyster Company?—Yes

480. And you are on the jury?—I am on the jury.

482. How do you intend to work this ground when you get it?—By hired labour principally. Of course, as far as we can, we shall work our own boats and crews.

Cross-examined by Mr. RODWELL.

488. Can you say why the Herne Bay Company should not be able to work with men and boats as well as the Whitstable Company?—I do not see why.

Re-examined by Mr. GATES.

499. Was the competition you meant, competition for the brood?—Most decidedly, that is what I mean. We have had to pay considerable more this year because the Herne Bay Company are in the market; that is one of the reasons why oysters are dear.

500. Do you know of their sending any good oysters?—No, I do not.

Mr. JOHN SMITHERS, *sworn.*

Examined by Mr. GATES.

518. You are a fishmonger in London?—Yes.

521. Have you heard of the Herne Bay Company?—I have had no dealings with them.

522. Have you seen any of their oysters?—No, I have not.

Mr. JAMES SHRUBSALL, *sworn.*

Examined by Mr. GATES.

523. You are a fishmonger at Margate?—Yes.

524. And were formerly a flatsman residing at Milton?—Yes.

533. I believe you appeared here once before as a witness for the Herne Bay Company?—I did.

534. Have you been employed by them since?—I do not want to be employed by them; I have got employment elsewhere; I was employed a month once.

535. Do you know how many men they employ?—About twenty, *I have heard.*

536. Do you know the Herne Bay ground, which they have got?—Yes, I could go over it on the darkest night.

537. Has that been dredged and cleaned?—It is very foul.

538. How lately have you seen it?—About eight or nine times I have sailed down; my boat goes up every day.

539. You say you are not employed by them, but still you have been over the ground?—Yes.

540. Do you know whether the Herne Bay Company have produced any good oysters for market?—I have had three different sorts from them, and they are very bad indeed. I have throwed them away. I have had some from Alexander, and some of the French oysters, and some of what they call Welsh oysters, and they are very bad indeed. I have got some by me; they are not fit to give any gentleman, and they never will be, that's another thing. If they do not work the ground they will never be any good, and the ground becomes to be of no good, like a farmer's field that is not tended to.

Cross-examined by Mr. RODWELL.

548. Where did you get these oysters from that you say are so bad?—From Herne Bay; Mr. Walker wrote for them.

549. Somebody wrote to you?—Mr. Kelsey is the gentleman.

550. These oysters wanted keeping?—I should say you would have to keep them very long; the Alexander ones were old.

551. These Herne Bay oysters, that you talk of as Herne Bay oysters, were they not Channel ones?—No; that is what they call their Alexander ones; they were fed on this ground, but they could be no good to anybody.

552. Did the Company want to employ you?—They came begging for me to go over for a month, else I didn't wish to go; I done it as a favour.

553. You left of your own accord?—Certainly I did.

554. Eh! come now?—Yes.

555. Was there no difference about seven men or three men?—Not any, as I know of; I signed a bill, and there was a question about some money.

556. There was no dispute, then, you say?—*Why, Crofts chastised me as he does many others; he wants to make them out as they are rogues;* I have never been brought before a magistrate yet.

557. You are rather too sensitive; I said nothing about being brought before a magistrate; was there any dispute about money?—*Crofts, as he always does with people made a row about money.*

558. You are vexed with Crofts?—I told him I did not want his employment.

559. Come, now, you are vexed, I see it from your manner; you were examined for the Herne Bay Company two years ago, and now you appear against them?—It is a bad job for the public at large, I tell you; I speak candid; they are all starving; I have seen 200 sail of boats and the people getting a good living; now it is all lost.

560. Do you not know that the Herne Bay Company have employed as many as eighty men?—I do not know; I was down yesterday, and *I was told* they have employed twenty men.

561. You know nothing but what you picked up at Herne Bay?—Oh yes, I do.

562. Have they not twenty-seven boats?—*I do not know.*

Cross-examined by Mr. PEMBER.

563. You do not like a new Company coming on the ground?—I do not like a Company coming on the ground and doing as they are; I have had experience of it in Guernsey.

564. What was that?—I saw how we used to go on, and what came of another Company; I tell you now, one Englishman can catch as many as ten Frenchmen, and it is so at Herne Bay; the ground is all lost; they may as well chuck the money overboard; the Whitstable people knows how to work it; 150 sail of boat I have seen on the ground.

Cross-examined by Mr. MARSHALL GRIFFITH.

571. Do not you think if the Whitstable Company get this ground that it would be as great a loss to these men as if the Herne Bay Company got it?—It is impossible. I do not like to see good ground lying smothered and dead. This is entirely dead, half the oysters they throw overboard they will never see again.

Re-examined by Mr. GATES.

572. Then you think this will be injurious to the Herne Bay people?—They are starving.

573. You have not seen as many as twenty-seven sail working in the Herne Bay Company's grounds. How many have you seen?—Seven.

574. That is the most you have ever seen?—The most.

575. You have no objection to a big Company coming there if they do good?—No; I should like to see them if they do good and employ people.

576. If the Whitstable Company enlarge themselves, and get this ground you think, they will not do harm?—No; I think they will do good because they are practical people there, and know how to work their ground.

Mr. JAMES HAMPTON, *sworn.*

Examined by Mr. GATES.

627. You are an oyster salesman in London?—Yes.

628. Living in Cannon Row?—Yes.

629. And I believe you supply the Houses of Parliament, through Mr. Lucas, with oysters?—I do.

630. Have you heard of the Herne Bay Company?—I have.

631. Have you ever tried their oysters?—I have tried them three or four times.

632. What has been your experience about their oysters?—The first natives I bought were complained of, and they were inferior to the Whitstable oysters.

633. That is the first lot?—Yes.

634. Now about the second lot?—I tried them merely because some gentlemen that visited my house simply wanted to send some samples to their friends in the country, merely as a sample. I said, if you complain to me that they are not so good as the Whitstable ones, I say they are not, I only sell them as a sample.

635. Did you get a second lot and sell them as a sample?—No.

636. Were they sufficiently improved for you to get an order for them?——

Mr. RODWELL objects to the form of the question.

637. Mr. GATES: Having given the second lot of oysters to your friends, was there any order given to you in consequence?—No.

638. How about the third time you tried them?—I only tried the natives twice, then I bought some common oysters.

639. How many times did you try the common oysters?—Three or four times.

640. Did you continue to deal with them, and have you been able to continue?—No; not with the Herne Bay Company. I cannot, because they are so inferior that I cannot deal with them; it is quite out of the question.

641. Were you able to sell all those you did get from them?—I did sell them, but complaints were made.

Cross-examined by Mr. RODWELL.

642. That is to say, people who wanted Whitstable oysters did not take the Herne Bay oysters, that is what you mean?—No; they would not have them; they were thin, and very inferior in flavour.

Re-examined by Mr. GATES.

643. You never sold the Herne Bay oysters as Whitstable oysters, did you?—*To tell you the truth, I was obliged to; we had only one peck to try; I did not say they were either one or the other.*

644. I dare say you thought before they came they would be as good?—Yes, I did.

645. They were natives, I suppose?—Yes.

646. You did not happen to send any to the kitchen of the Houses of Parliament?—I do not know that they had any of those; a peck was not much, and some of those went into the country.

647. You sent the Whitstable to the Houses of Parliament, I suppose?—I merely tried this one peck; you asked whether I sold them as Herne Bay; I did not tell people they were Herne Bay, because I only had them to try, and they found fault, and said, "your oysters are not so good this morning."

648. You did not send any here?—I did not have any at all, even in my own house; I tried them; in fact I sent them to all parts of Scotland and Manchester and Liverpool.

649. You mean to say you sent the Whitstable to all parts?—Yes; in fact I did not buy any but the Whit-

stable merely having those two pecks to try, one was an order for a gentleman who merely wanted to send them into the country; I could not sell them myself.

N.B.—The Company now have the satisfaction of reckoning this respectable oyster salesman, Mr. Hampton, among their regular customers. He has lately been buying their natives at 4*l.* 4*s.* a-bushel and retailing them at a fair profit. His conduct in not attempting to give to the Herne Bay natives the name of Whitstable natives has not always been paralleled.

Early in the late oyster season, and long before the Company had sent any of their oysters to market, a gentleman, high in Her Majesty's service, asked at a most celebrated oyster shop at the west end of London if they had any Herne Bay oysters, and, on being assured that they had and that they were first rate oysters, ordered a dozen for his luncheon. He was altogether satisfied with what they set before him, but was startled when they charged him 2*s.* for the dozen, and not quite convinced by their assertion that it was "impossible to sell Herne Bay oysters at a lower price."

The Whitstable Company and the Herne Bay Company may expect to have retail tricks of this sort played with their oysters.

Mr. H. CHOLMONDELEY PENNELL, *sworn.*

Examined by Mr. MEADOWS WHITE.

650. I believe you are the Chairman of the Herne Bay Company?—Yes.

651. And have been so, I believe, since its formation?

—No. I was Deputy-Chairman from its formation; but I have been Chairman since last year.

652. You obtained your first Bill, I believe, in 1864?—Yes.

653. Before that, had you taken considerable interest in oysters?—Yes; I had taken an interest in the subject, in connection with other fishery matters.

654. I believe you and Mr. Frank Buckland were instrumental in the formation of this Company?—Yes; we took a prominent part in it.

655. And you obtained this Act before a Committee?—Yes.

656. As to that Act, it has been said, that before the Committee a pledge was given as to breeding oysters in tanks. Was that so?—No; no pledge was given that breeding tanks were to be made. The question of tanks was brought before the Committee amongst other works which the Company might require for the oyster fishery; but no distinct pledge was given. On referring to the evidence, I see that it was particularly avoided. There is no evidence on the subject; it was a work in contemplation.

657. I believe there were some theories as to oyster culture which very much interested the public, and it was contemplated to make an experiment upon this mode of cultivation?—Yes; we intended to try all experiments that could be tried.

658. The chief object of the Bill, I believe, was to secure the appropriation of part of the sea bottom, for the purpose of carrying on operations as the Whitstable Company carried them on?—Yes.

659. A Company was formed, and the shares were placed with great facility?—Yes; the shares were pla ce with great facility. We have had no advertisements issued, and no reference of any sort was had to the Stock Exchange.

660. *All the shares were taken, and are now held by bonâ fide holders?—All of them; most of them by men of property.*

661. Have you a register of the shareholders here?—Yes; and I can produce it, if their Lordships wish to see it.

N.B. At the beginning of June 1866, the 10,000 shares were held by 194 shareholders. 2,171 shares were held by the seven Directors. There were twenty-five shareholders who each held 100 shares or upwards, and fifty-one shareholders who each held fifty shares or upwards.

662. I believe the shares are at a premium?—I do not know what premium they are at now. They have reached a premium as high as cent. per cent. upon the amount paid up.

663. I will put in the original Act, my Lord (*handing in the same*).

(*To the Witness*): The present Bill recites certain portions of that Act: there is a recital of the 32nd section of that Act, and the next recital is:—"Whereas the Company have proceeded to put the recited Act in execution, and they are maintaining and cultivating their oyster grounds, and they have expended a large sum of money in stocking their oyster grounds, and they have obtained from other parts and laid down thereon, to fatten there, about 40,000,000 of oysters, and they have already produced on their oyster grounds well-fed oysters fit for the public market, so as to be of public advantage." Those statements, I believe, have been questioned by the evidence here?—You are now speaking of the present Bill?

664. Yes; I am now reading the recital of the present Bill. I will ask you this question as to the truth of this part of the preamble, Have you proceeded to put the Act into execution?—Yes; we have proceeded to put the Act into execution, and to take the steps that the Act required. We published advertisements in the papers of the extent of our oyster grounds, and we erected boundary-stones, and, with the assistance of the Trinity Board, laid down buoys to mark out the grounds.

665. The Act received the Royal assent, I believe, on the 25th July, 1864?—Yes.

666. After that, you proceeded to carry out its provisions?—Yes; as soon as possible.

667. The works are enumerated in the 26th section of the Act of 1864?—Yes, they are.

668. Which of those works enumerated in the 26th section were marked on the deposited plans?—The pier and tramway, and the diversion of a road.

669. The diversion of a public road?—Yes.

670. The straightening of the road, and raising it above the risk of flood?—Yes; in fact, to avoid interfering with our tramway.

671. What progress has been made with those works? —*They are all completed; practically, everything is completed, except laying down the tramway on the pier.* The tramway is not completed, but the whole of the pier is quite completed. I will hand in a photograph of the pier in its present stage (*handing in the same*).

672. I believe that the pier has three objects: it is for shelter for the fishing boats, and for the landing of oysters and materials; and it also acts as a breakwater to your grounds?—Yes; it does that.

673. We have heard in evidence that the Whitstable grounds were protected by a spit of land; this may be compared to that as an artificial protection?—Yes; to some extent.

674. That was the most important work, I suppose?—The pier was the most important work, and the most expensive; that is completed, with the exception of laying down rails on the pier itself.

675. Has the public road been straightened?—I believe that is completed also. I may say that the works would have been completed much earlier, but that we have——

676. I was about to ask you this. You say that you proceeded at once. After the passing of the Act, did you meet with any opposition from other unexpected sources?

—Yes; we had opposition from several sources—the most important of them was from the Crown. The Crown claimed certain rights over the ground.

677. The advisers of the Crown threatened you with an information and proceedings for interfering with their rights?—They commenced proceedings and applied for an injunction for commencing without their concurrence.

678. I believe this dispute lasted for some time?—Yes, it lasted for about six months.

679. Was that dispute such as to interfere with your stocking your grounds?—Completely so. The Crown claimed the whole right in the soil, and they gave us notice that if we laid down any more oysters we should do so at our own risk.

680. At last that dispute, I believe, was settled by your accepting a lease from the Crown?—Yes.

681. And thereupon you proceeded to stock your grounds?—Yes.

682. This is the lease, I believe, which you have had from the Crown, for sixty years (*producing the same*)?—Yes.

683. We have heard that there is a great scarcity of brood. I believe you had great difficulty in procuring brood?—Yes; considerable difficulty. We could not get it at the prices we had anticipated.

684. Did you send far a-field for this brood?—We sent our agents over a great part of Ireland, over Wales, and over England, and Mr. Buckland, acting in some sense as agent, even visited the French Fisheries to see whether he could get oysters there. We made every possible effort.

685. Had you made your calculations of the capital required, taking into consideration that the brood would cost less than it did actually cost you?—Much less.

686. Did you proceed to prepare the grounds for the deposit of this brood upon them?—Yes; we had the grounds cleared, and what is called "culched," that is covered over with shell and small stones.

687. That is what the spat falls upon?—Yes.

688. You prepared your ground by clearing it?—Yes.

689. When you had got this brood, did you proceed to stock the ground with it?—Yes; we laid it down on parts of the ground which had been prepared for it.

690. That is, I believe, what is called an oyster bed?—Yes; in ordinary parlance that is an oyster bed.

691. The ground having been prepared in this way by dredging and clearing, and the culch deposited upon it, is the bed upon which the oyster falls and lies?—Yes.

692. Mr. Hope Scott treated "tanks" and "oyster beds" as synonymous in his address, is that so; they are oyster beds which the Whitstable Company have, are they not?—Yes, they are not tanks.

693. And you have prepared beds in the same way, have you not?—Just so.

694. Will you give me some estimate as to the amount you have spent in stocking your grounds, and in preparing them, in labor, and in the purchase of brood. But first I will ask you how much capital has been called up?—60,000*l.*

695. I believe there is a call payable in this month?—The 60,000*l.*, I think, includes the whole. I am not positive about it, but I think it does include the whole.

696. What was the capital under the Act?—100,000*l.*

697. How much have you spent of the 60,000*l.*?—The whole of it, except a few hundreds.

698. How much has been spent upon the purchase of brood and in stocking and cleaning the grounds?—We have spent about 25,000*l.* in the purchase of oysters, and we have spent about 2,000*l.* in the cleaning of the grounds for the oysters to be laid down upon. Of course there are the incidental expenses, which would form a considerable part of that item.

699. And the labor?—I think that is included in the 25,000*l.*; it is [practically] for nothing but labor, except the purchase of a certain amount of "culch."

700. The balance has been expended in purchasing oysters?—Yes.

701. After the purchase of the oysters and the labor, the balance, I believe, has been expended in the execution of the works?—Yes.

702. As to the tanks, has that experiment been tried; has any tank been constructed?—*Yes; one tank has been constructed by the Superintendent of the Company on part of the Company's grounds, at a cost of about 700l., and it is now in course of working, but whether it will succeed I do not know.*

703. We have heard that possibly you will not succeed, but you have constructed a tank to carry out the experiment which you contemplated?—The tank I speak of has been constructed, and if it succeeds it will be a guide to us in carrying out others.

704. I see that the preamble says you are maintaining your oyster grounds; what labor do you employ at the present time?—*At the present time we have thirty-three men in our regular employment, but we have had at different times as many as* 100 *men in our employment.*

705. Are there times of great pressure when more labor is required?—When the ground requires cleaning we employ more men. I do not include in that the workmen employed upon our works, that would make it a couple of hundred men. The men I speak of are dredger men. We employ thirty-three men and we have employed upwards of 100; that was in July of last year.

706. Considering the uncertainty of the spat, and the great abundance with which it falls in certain years, and assuming a large fall of spat, you would have more to do than could be done; you would obtain it more cheaply and stock the ground more rapidly?—Certainly.

707. The labour would produce its result and fruit?—Yes.

708. You would have not only your capital, but the profits of your undertaking to fall back upon?—Certainly; that is all obvious.

709. You are regularly cultivating and maintaining your oyster grounds?—Yes; you asked me about the amount we had expended in oysters; I should like to say, that we have exceeded our estimate. We gave 20,000*l.* for stocking, but that was to be spread over three or four years. We have spent 25,000*l.* in the two years.

710. Can you tell me how many bushels of oysters you have laid down?—*We have laid down between* 15,000 *and* 17,000 *bushels.*

711. How many oysters would that be?—Taking that as a fair estimate, the lowest [number] I think would be about 40,000,000.

712. It is stated that you have already produced upon your oyster grounds well-fed oysters fit for the public market?—*Yes; we have.*

713. We heard from witnesses on the other side that an oyster takes four years to come to perfection; I believe that if an oyster is brought young enough to grounds which are suitable, it will become a native oyster wherever it is produced?—No; I do not think that that is so; the spat from that would probably become a native oyster; certainly it would in a generation or two, but the oyster itself would never become the same as if it had been bred in the Thames.

714. In a generation or two it would become of that character?—Certainly.

715. The scarcity of native brood has been very great, I believe; have you bought all you could get?—Yes; everything we could get.

716. Have you bought anything else but native brood?—Yes; we have bought Irish oysters and Welsh oysters.

717. And I believe the Whitstable Company have also done so?—Yes; we have stocked our grounds in the ordinary way.

718. Although you have only had this limited period since the opposition of the Crown was withdrawn to work your oyster beds, have you produced good oysters?—*Yes,*

certainly, because putting aside any question of opinion, a good oyster is an oyster which will sell in the market at a large price. I think that is a fair estimate of its value, and *we have sold many at large prices, and the sale has greatly increased—in the last week we have sold* 150*l. worth.*

719. As your cultivation proceeds, the maintenance of your oyster grounds continues. I presume you hope to improve your oysters, and sell them still?—Clearly. *The oysters now are not equal to what they will be,* [*but*] *we have already produced perfectly well-fed oysters, fit for the public market, and they have been very much liked.*

720. I believe the oysters come up uncertainly; some are good, and some are not?—They are getting much better—a few in every bushel are bad.

721. And you expect a further improvement in them? —Yes; *we have weighed the proportion of meat to the shell at different times, and we find a very steady improvement in the proportion of meat*—that is in the growth of the oyster.

722. Your grounds, I believe, have fattening properties? —*Very large fattening properties no doubt. Our oysters now are not quite equal to the Whitstable oysters; they have only been down for a year, and the Whitstable oysters have been down for four, and five, and six years;* I wish to state the case fairly.

N.B. Considering the much longer time that the Whitstable oysters have been on the fattening grounds, the Herne Bay oysters maintained during the past season a very respectable comparison with them. Early in the season, when the Whitstable natives sold at 6*l.* a-bushel, the Herne Bay natives sold at 5*l.* a-bushel, and when the Whitstables had fallen to 5*l.* a-bushel, the Herne Bay's fetched 4*l.* 4*s.* a-bushel. The average at which the Herne Bay natives sold, down to April 30, was 4*l.* 15*s.* a-bushel. These prices dispose of the allegation that "Herne Bay has no fattening grounds."

723. I believe I may say just now that you have no objection to the Whitstable Company taking an extension of their ground, provided they do not come upon the Pink and overlap you?—Certainly.

724. I will now go to the preamble, it says, "And whereas the Company commenced within one year after the passing of the recited Act the works thereby authorised and they have since completed the whole of the works shown on the deposited plans and sections." That is at the bottom of page 4 in the preamble. —That is at the 35th line, I think?

725. It is at the bottom of the page?—In the last paragraph?

726. Yes; you say that the rails are not laid down upon the pier, but that the tramway is completed?—Yes; I do not think the rails are part of the original plan; but they are not on the pier.

727. There it says:—"And whereas by reason that the works by the recited Act authorised comprise not only the works shown on the deposited plans and sections, and which were to be completed within the five years thereby limited and have already been completed, but also works which, for carrying the recited Act into full effect, it may be found requisite to make after the expiration of those five years, doubts have been raised as to what works are by section 32 of the recited Act required to be completed within a limited time, and for obviating those doubts and defining the works which by the recited Act were required to be completed within a limited time and for obviating other doubts as to the meaning of that section, it is expedient that section 32 of the recited Act be repealed and be re-enacted with amendments thereof." I believe you have been advised, and I see that all the works are to be commenced within a year; Is that so?—Yes; I should say that the works are divided into two classes, that is to say, the permanent works in which the public have an interest, and [minor] works in which no one [but the Company] has an interest, such as cranes and so forth. We are informed

that if we put any of the temporary [permissive] works into operation after the five years' limit, our powers might be forfeited, as that would be taken to imply that we had not "completed" them.

728. Then I see: "And whereas by the recited Act (section 40), the Company were required to erect and maintain boundary stones and to provide and maintain buoys at the several points therein specified for denoting the limits of the oyster grounds." Have you erected boundary stones, &c ?—We have.

729. And whereas by the recited Act (section 47), the Company were required to give public notice of the limits of the oyster grounds and the provisions of the recited Act relating thereto and to the Company's Oyster Fishery. Have you given public notice?—Yes, I have the newspapers here in which the notices appeared.

730. "And whereas by the recited Act (section 55), provision was made with respect to a lease from the Commissioners of Her Majesty's Woods, Forests and Land Revenues to the Company of land belonging to Her Majesty, and a lease has been made and accepted accordingly." That has been put in has it not?—Yes.

731. "And whereas it is expedient that further provision be made for the protection of the Company's oyster grounds, fishery and property. And whereas doubts have been raised with respect to the construction of section 45 of the recited Act, and for obviating those doubts it is expedient that that section be repealed and be re-enacted with amendments thereof." Their lordships will see, I think, that these amendments are really trifling?—Yes.

732. "And whereas it is expedient that the limits of the Company's oyster grounds and fishery be extended as by this Act provided, and the powers and provisions of the recited Act, as by this Act amended, be applied to the Company's oyster grounds and fishery as so extended." Upon that point I will just ask you a few questions—I believe it is said to be nine square miles?—Yes.

N.B. The exact measurement of the area at high-

water is given at eight square miles and 602 acres; almost nine square miles:—a square mile containing 640 acres.

733. What is the length of the fishery that you have?—It is about seven miles.

734. By what?—It varies; it [the foreshore] is about one-third of the whole ground.

735. What is the nature of the foreshore. You say it is about one-third of the whole ground?—Yes; I think so.

736. The foreshore is not suitable for making oyster beds?—No; it is useless.

N.B.—"Useless," for that purpose; but it might be found useful for other purposes, as, for instance, for "claires" on the French system, storage tanks, &c.

737. Then we heard from the witnesses on the other side that these grounds are in patches. Do you know that to be so?—Yes; I know it to be so to a great extent. It is the case in almost all oyster grounds, and it is so in ours.

738. It is estimated that the available space for your fishery is about the present limits of the Whitstable Company?—That estimate has been made, and I dare say it is not far from the fact: but it is impossible to say accurately.

739. There are many places which are not fit for the cultivation of oysters?—Just so.

740. Before the passing of the Act, I believe Lord Cowper had made a claim in respect of his manor of Swalecliffe?—Yes; and he threatened to oppose the Bill unless we took the manerial rights of Swalecliffe.

741. After the passing of the Act, I believe you entered into negociation with Lord Cowper's agents for a lease?—No; we arranged with him before the passing of the Act, and then he withdrew his opposition.

742. The limits of the manor of Swalecliffe are marked on the plan, and I think they have been pointed out by Mr. Plummer?—Yes.

743. Part of it falls within the authorized area?—Yes.

744. And part is that piece up to the limits of which you desire to extend your limits?—Yes.

745. I believe Lord Cowper refused to grant the one without the other?—Yes; he did.

746. He recites in this lease "all that several foreshore of me, the said Earl Cowper, on the lands lying and being from high water mark as far into the sea," &c. Those are the parcels in this lease, and I hold in my hand an office copy of the injunction in a suit between the Right Honorable Earl Cowper in 1810, and certain parties—restraining them, and it describes it in this form, "The said manor," &c. That describes the limits of the manor as then recognized by the Court of Chancery, in 1810?—Yes.

747. I believe you have taken the line exactly, and prolonged the line to the utmost of your parliamentary boundary?—Yes.

748. You do not seek for powers over the flats beyond that?—No.

749. The Whitstable Company I see overlap it?—Yes.

750. I believe the parliamentary boundary is within those limits, as described in those Chancery proceedings?—I believe it is.

751. Can you tell me what the dimensions of the ground are there?—If you will oblige me with a plan. .. I think I can tell their lordships without a plan; 80 chains at the northern boundary, 80 chains at the southern boundary; our present boundary is 120 chains into the sea; occupying an area altogether of a mile and a-half.

752. That includes the foreshore?—That includes the foreshore.

753. And the tide runs out a considerable distance?—Yes, a very long way.

754. What is the area available for oyster culture?—About one mile square.

755. The Whitstable Company say they propose to work theirs by hired boats?—Yes.

756. That is the statement?—It is.

757. That ground is granted to Mr. Crofts as trustee for a Company called the Oyster Fishery Company?—Yes, for the Oyster Fishery Company (Limited).

758. What is the nature of the Company?—The shares are held, [share for share] by the shareholders in the Herne Bay Company.

759. That is the nature of the Company?—The number of each share is the same, and the shareholders are the same.

760. When Lord Cowper would not grant you one part of the manor without the other, that is the mode in which you managed to get a lease of the whole; Crofts, in fact, is the trustee for your Company?—Yes.

761. Which is the [Herne Bay] Oyster Company?—Yes; and one of the conditions is, that the shares can only be held by shareholders in our Company.

762. That is the manner in which it was carried out by Lord Cowper, "Whereas it is expedient that the name of the Company be changed"?—Yes.

763. "Whereas the whole of the Company's capital of 100,000*l.* has been subscribed for?"—Yes.

764. "And more than half thereof is paid up?"—Yes; 60,000*l.*

765. "And whereas the Company has no mortgage debt?"—That is so.

766. "Whereas it is expedient, that the Company be authorised to raise further capital,"—additional means?—Yes.

767. The sum you ask for is 100,000*l.*?—Yes.

768. You contemplate using part of that money for the purpose of stocking and working the fisheries?—We do.

769. And part also you require for additional fishery purposes?—Yes, the principal portion.

770. With regard to the Herne Bay Pier Company; you wish to have power to make some arrangements with that Company, if possible, to buy their materials and use that as an additional break-water?—Yes; it acts to some

extent as a break-water, and perhaps a small expenditure might make it a very efficient one.

771. And if you were to fill it up it would be more advantageous to you?—Yes, it would.

772. Would you have any difficulty in placing your further capital?—No; I think we should have no difficulty in getting the whole of our shares taken up.

773. Have you the register of shareholders here?—We have.

774. I believe there are many practical men amongst your shareholders?—Yes; they are almost all men of wealth. I omitted in my answer to your question just now about the oysters, to say we have some oysters here which were dredged from our ground, if their lordships thought fit to see them; they were brought up this morning.

N.B. These oysters had been brought from the market boat then at Billingsgate. They were a fair average sample of the cargo. Mr. Thomas Gann, then in opposition to the two Bills, and whose evidence is given below, saw them opened and said that "he would not wish to see a better oyster." Mr. F. Wiseman, a witness before the Sea Fisheries Commission, now the Company's Superintendent at Herne Bay, and who has had many years practical experience in oyster culture, said that "they were as good as the Whitstable natives." Other bystanders, interested in the parliamentary contest, agreed that "they were first-rate oysters."

Cross-examined by Mr. MEREWETHER.

775. You and I have had the pleasure of meeting before?—Yes.

776. Let me ask you first of all with reference to the pledge question. I understood you to say you gave no pledge. Do you remember my cross-examining you last year. Will you allow me to present this question and answer to you, "Will you tell my lords whether, in presenting your Bill to Parliament last year, you did not pre-

sent, to use the phrase that you made use of this morning, did you not present it to Parliament as a thing which was to introduce a new system of oyster culture, and was not your answer, 'Yes, that was put forward as one amongst the many advantages the Company proposed?"—Certainly, that was my answer.

777. Did I then put this question to you, "Was it not prominently put forward?" and did you not make this answer, "It was one of the principal points the Company put forward?—No; I think not.

778. That is the short-hand writer's note?—My voice is rather indistinct, and he may have misheard me; what I said was, it was *one* of the principal points.

779. Did I not read those words to you?—What I said was, it was *one* of the principal points.

780. That is what I have read to you, "It was one of the principal points the Company put forward?"—The meaning is altered by [the accentuation of] the question.

781. Did not Mr. Frank Buckland enlarge very much on the French culture?—He mentioned it as one of the plans that we should hope to try.

782. As regards your shares you say they are all paid up, that is, all the money that has been called, but are there not some shares which are fully paid up?—A few.

783. What amount has been paid upon those shares which have been fully paid up?—10*l.* per share.

784. Is that the full amount of the share?—That is the full amount of the share.

785. *Are there no shares which are reckoned in your capital as fully paid up on which nothing has been paid?—None.*

786. *All the shares have been paid upon?—Yes; all the shares have been paid upon.*

787. Then I understand you to say for your stocking you have exceeded your estimate by 5,000*l.*?—Yes; we have.

788. You come for an additional 100,000*l.* under this Bill; will you tell the Committee what you propose of that

100,000*l.* to spend in stocking your land?—We shall probably expend the greater portion of it.

789. Shall I say 80,000*l.*?—You may say 80,000*l.* if you like.

790. I am asking you?—I do not say so. I should say we shall spend a large portion of it in stocking the ground.

791. What shall I take as the fact?—I am not prepared to say the amount.

792. Shall I take half; shall I say 50,000*l.*?—If you like. I cannot really answer the question. I am not prepared to answer the question. *We propose to spend a large sum in the stocking of oysters.*

793. Now about the tank; to be distinct, you told my friend the tank had been erected by your Superintendent at a given cost; do you represent to the Committee that the Company had erected that tank?—It practically answers the same purpose, because the Superintendent erected it on the Company's premises; on the Company's grounds.

794. Has the Company expended a farthing towards erecting it?—They have expended a certain sum; not very much.

795. What do you say?—I cannot tell the sum they have expended; something, but not very much. They have expended something. I remember that fact.

796. You said you could not tell us what you had spent in stocking. Will you tell the Committee what the Company has spent in erecting this tank which the Superintendent has made?—I said nothing of the sort. You asked me what was going to be spent on stocking.

797. Now, I ask you what your Company has spent in money towards making this tank, which my friend represented had cost 700*l.*?—My answer is, I cannot give you the exact figures, but it is something very trifling; very small; a few pounds; 20*l.* or 30*l.*

798. Is it actually on your land?—It is within the boundary of our original fishery.

799. If I am not misinformed about it, is it not half a mile to the west of your original boundary?—No, I asked the question before coming into the witness box, "If it is within our limits," and it is within our limits. If I am mistaken our engineer will correct me.

800. Now, with reference to the oysters; you spoke of having sold the oysters. Have all your sales resulted in a profit to the Company?—Well, I imagine they have; they have been sold at large prices.

801. Do you know of the dealing with Mr. Williamson, in which you asked him one pound for some oysters that cost you 38*s.*?—No; I cannot tax my mind with those trifling things.

802. It is not a trifling discount, if there is that discount on the sale of your oysters?—*We have sold some of our oysters at more than cent. per cent. on their cost to us, and we have had a very handsome profit on almost all the others.* I cannot, of course, bear in mind every sale that has been effected; if I was the salesman I could not.

803. Were you present yesterday when Mr. Shrubsall was examined?—Yes.

804. Were you surprised to hear him say that he received some oysters which he threw away?—No, I am not surprised.

805. Do you impute to him that his evidence is untrue?—Not at all; two men may take different views of subjects.

806. Was it true?—I am not called on to say it is not true.

807. But, if true, are you surprised to find that he threw away your oysters?—*I say, the way in which the man left our service was such as to leave an unfavourable impression on his mind.* I do not know if he took a few oysters and threw them away.

808. I will present to you a substantive fact; do you deny the fact?—If you will read me the evidence he gave I will tell you.

809. "Do you know if the Herne Bay Company have

produced any good oysters for market?" and the answer is "I have had three different sorts of them, and they are very bad; indeed, I have thrown them away." What do you say to that?—I say, if you like to go and buy some Whitstable oysters and throw them away, you are at liberty to do so. Mr. Shrubsall's taste in oysters may be peculiar.

810. He is a business man, and a dealer in oysters, is he not?—He may be. I do not know that he is in a very large way of business on his own account.

811. There is Mr. Hampton, who says he is a salesman in London, and he supplies the Houses of Parliament?—I think his is, probably, very fair and straightforward evidence; he stated the oysters he received were not so good as the Whitstable, and those customers who preferred Whitstable did not like the Herne Bay, but when our oysters are three years more on the ground they will be as good as the Whitstable.

812. He goes on to say he did not give a second order?—He said he did give a second order. I think he did say so, if you refer to the evidence. I think he did not give a third.

813. Yes, he did give a second order for his friends?—He ordered first for himself and then for his friends.

814. Just with reference to Lord Cowper's lease—do you know Lord Cowper granted a lease to a Mr. Gann?—No, I do not.

815. Is Mr. Gann going to be a witness of yours?—No.

816. I observe in the lease granted by Lord Cowper, it is to Mr. Crofts?—It is as trustee.

817. Did you notice in the lease that he is not specified as trustee?—Yes, he is specified as trustee.

818. I think not?—I am pretty sure he is; if he is not, it is an oversight; but I am satisfied he is.

819. Will you take it in your hand, and tell me where it is; it has escaped me if it is so?—He is trustee; whether he is specified so or not I cannot tell, but he is trustee, and I think he is so specified.

Mr. WHITE states the lease is "upon trust for the Herne Bay Oyster Fishery Company."

N.B.—Mr. Crofts is a trustee for the Herne Bay Company of so much of Earl Cowper's land as is within their limits under their Act of 1864, and is a trustee for the Oyster Company Limited as to the rest:—"the leasehold ground." (A.a.)

820. Mr. MEREWETHER: With reference to the 32nd clause, that is rather a matter of argument than evidence. I will put this question to you: you have not done anything with reference to the tanks more than you have stated?—Yes, we commenced them within the year.

821. What have you done?—We have commenced to excavate them.

822. Have you done more than you had done last year?—No, I believe not. I am not sure that we have not.

823. Was it not proved that a man approached the ground with a wheel-barrow and dug and filled his wheel-barrow?—That is another of those cock-and-a-bull stories. I have seen the place, it is as large as this room.

824. What depth?—From four to six feet, perhaps eight feet.

825. I am distinguishing your excavation for the tank from some brick making excavation?—The tanks were made on the site of the brick field; the place is now ready for the reception of bricks, if we choose to make tanks. It is twice as large as this room.

826. How long has that been done?—It was commenced in the year from the date of the Act, and it has been progressed with since. As I have explained, the tank which our Superintendent has built answers all purposes, and until we see the result of that, it would be unwise to go on.

Re-examined by Mr. WHITE.

827. I suppose you have heard sometimes of even the

Whitstable Company's oysters turning out badly, a lot of them, and being thrown away?—I suppose so.

828. And oysters come to your grounds in very different condition, according to the way they have to travel, and all that?—Yes, they are subject to all sorts of chances.

829. It is to be borne in mind you have only had this oyster ground a very sort time in operation, and your oysters have not had time to grow?—They have been down fifteen months, and the Whitstable Company's have been on an average down for eight years; they were laid down, the great part of them, in 1858, and they are there at the present time; we do not start on a fair footing.

830. You have sold a considerable quantity besides those parcels of oysters we have heard of?—Yes, a great many hundred pounds worth; at the same time, *it has been an exceedingly slack season, so much so that the boats have gone back to Whitstable and other places with their cargoes.* It is admitted that it has been an exceptionally slack season, as far as oysters are concerned, but, *notwithstanding that we have sold a great number at a good price.*

N.B. It is not to be expected that the highest price of the best Herne Bay natives will, for some years, equal the highest price of the best Whitstable natives. The Whitstable Company have the advantages of prestige and of their stock being several years older than the Herne Bay Company's stock. But when it is considered that Herne Bay natives not eighteen months on the ground have lately been selling at 4*l.* 4*s.* a-bushel when Whitstable natives four years or more on the ground have been selling at 5*l.* a-bushel, the expectation that Herne Bay will, in a few years, fairly rival Whitstable will not appear extravagant.

831. When you begin to realize a profit, then you will not require the capital for keeping up the works; you will

have the receipts and profits to work upon?—Yes, there will be a profit and loss account.

832. (By a LORD). Which do you say is the best ground for oysters, the east or west end of your ground? —The west: contiguous to the ground we propose to take; this is a better place for oysters; that is a better place for stocking.

Mr. WILLIAM FFENNELL, *sworn.*

Examined by Mr. WHITE.

833. I believe you are one of the Fishery Commissioners for Ireland?—No, I was. I am now in England.

834. You are now one of the English Commissioners? —Yes; I have been removed to England from Ireland.

835. While you were Commissioner in Ireland you granted many licences under the powers you had?—Yes, for oyster laying.

836. How long were you a Commissioner?—In Ireland?

837. Yes.—About seventeen years.

838. Have you had a very large experience in oyster culture?—Yes, we had a great deal to do about oysters in Ireland, in making by-laws for the open and close seasons, for one thing and another, and I had often to interfere with the Whitstable, Sheppey and Queensborough people who came over to purchase oysters from the Irish. I often went to settle the disputes.

839. In granting licences, was your principle to give preference to those who had rights?—Yes; the law required that no licence should be given without the permission, in writing, of the owner of land abutting on the shore.

840. There was to be no interference with those who had acquired rights in the soil?—Yes, it could not be given without the permission of the owner of the land.

841. You know the Herne Bay Fishery?—Yes.

842. When the Act was granted, you went down with the Chairman of the Committee of the House of Commons? —Yes; the Committee requested both parties to be present to have an investigation of the ground, and we went down; the promoters and the opponents; they had dredged over the greater part of the ground.

843 They proposed to take at that time?—Yes.

844. You had an opportunity of understanding the state of the ground before the Act passed?—Yes; I had seen it before that.

845. The Committee wished to see it?—Yes.

846. And the Whitstable boats dredged?—It was a Whitstable boat, as well as I recollect, that dredged.

847. What did you find, then, the state of that ground to be?—I think the result of several hours' dredging in the best part, as pointed out by the men—both Whitstable and other men—I think the result of the whole dredging was three oysters—as well as I remember, three or four oysters—so completely was the ground denuded of oysters at that time.

848. Have you seen this ground since the Oyster Company [the Herne Bay Company] have come into existence and begun operations?—Yes, frequently. I may say, those three oysters were eaten by members of the Committee. Of course they had a preference; and they were pronounced to be very good.

849. That showed the ground was good for the cultivation, though few?—Those three oysters were pronounced by the Committee to be very good.

850. You have seen it since?—Yes.

851. Will you be good enough to state, in your own language, what the state of the ground is now?—*Twice I have seen a considerable portion of it dredged, and it is in very good state, to my mind;* and I had portions of it dredged for Irish and Milford oysters, which were laid down, so that there was a great quantity; and *the ground was, so far as I saw it, in very good order.*

852. Clean?—Yes; and very few of those creatures spoken of so much.

853. *Did you find plenty of culch had been laid down?—Yes; plenty of culch.*

854. Do you, from your experience, agree in what has been stated? What would you have expected, after this short management and culture of the ground?—*I know, myself, the oysters that were laid down there. I may say, no ground has any better, because that I saw tested had not anything like the time necessary to produce a first-class article on the very best fattening ground.*

855. You would not have expected it?—I should not have expected it—not at all—and *I told the Herne Bay people not to sell on any account this year*, especially any of the oysters that came from Ireland or Wales.

856. You know that class of oyster?—I know it from my experience of the oyster beds in Ireland—the very best fattening beds. There, the proprietor would never sell them under three years, if he could avoid it. They must keep up a certain supply, but they have to entrench sometimes on their stock.

857. If your advice had been followed, the Herne Bay Company would not have sold this year?—*Not a single oyster.* I met a person in Dublin the other day, and he said, The [Irish] oysters are so bad, we cannot go on; they are selling them too fast.

858. The [Irish] beds are being exhausted in that way?—Yes.

859. Did you test the quality of these [Herne Bay] oysters?—*Yes; I had some oysters sent up to my house, and I saw all those opened. There were a great many of those very good oysters, quite as good, if not better, than I could have expected in so short a time; and subsequently I went down to the ground, and I saw the oysters dredged, myself, and I had them opened on the spot; some of them were very good, and others not at all what they ought to be; in fact, they were in different stages, but some of them were very good and marketable oysters, though perhaps not up to the superlative sample that Whitstable can furnish.*

860. Do you believe, if your advice had been followed, and no oysters had been brought to market till next year, it would have been better?—I believe they would have been very different.

861. There were great temptations in the high prices? —Yes.

862. Shareholders sometimes wish to see a little money back?—Perhaps there may be a little anxiety to see how they were going on and what they could do. I recommended them to keep quiet.

N.B. It is understood that the Directors have not been selling oysters for the sake of forcing a dividend. They are well aware that oyster grounds cannot be expected to yield a great profit until they have been three or four years in cultivation; but they have been desirous of ascertaining the capabilities of the Company's grounds, and, knowing the old proverb that "the value of a thing is just as much as it will bring," they submitted as soon as they could some of their oysters to the practical test of the market.

The oysters which the Company laid down at Herne Bay were in different stages of growth from "brood" to "ware," and thus an earlier opportunity was afforded for the sale of some samples than if only brood had been laid down.

The test of the market, whether at Billingsgate or at Ostend—for a small cargo has been exported—has been satisfactory. It has shown that the Herne Bay grounds comprise good fattening grounds—for (it is almost needless to say) good marketable oysters cannot be produced except from good fattening grounds—and that when the Company's stock is sufficient to enable them to enter on their business of oyster selling on a sufficiently large scale, they may reasonably expect that the position which they take in the market will fairly approach to an

equality with that of the best old Oyster Fishery Companies.

The total quantity of oysters of all sorts which the Company sold up to April 30, 1866, was 531 bushels, and the gross return for them was 975*l.* 6*s.* 9*d.* The natives exported to Ostend sold at 4*l.* 9*s.* a bushel. The average price for which the natives sold was 4*l.* 15*s.* a-bushel.

863. Generally, in your experience as a Commissioner of Fisheries, have you read the Act of Parliament under which the Company has been constituted?—Yes.

864. And you have heard the evidence upon the enquiries before the Committees?—I have.

865. In your judgment, has the Herne Bay Company faithfully fulfilled the duties which were imposed upon them?—*Yes; they have faithfully fulfilled the duties imposed upon them, and having been one of the persons appointed by the section of the Act, who might be called upon to report if they did not do so, if I were called on to do so, I could most conscientiously say they have done everything that could be reasonably expected of them. As a public officer*——

866. You had a duty imposed upon you as a public officer, to make the enquiries?—*Yes; I went down frequently to see how they were going on, because I might have been called on under the Act to report, and if I was called on, I could most conscientiously say that they have done a great deal.* I think it very hard, after all your money has been expended and nothing alleged against them approaching to a defalcation if they get no return.

Cross-examined by Mr. GATES.

867. You do not know anything about the scientific culture of oysters?—I will give no opinion about the scientific culture of oysters, it is beyond my knowledge. I do not understand it.

868. You were in the Committee-room and heard the

evidence given upon which the Bill passed?—Yes; I heard it all, or almost all.

869. You know it was proposed by Mr. Buckland, at all events, to breed oysters scientifically?—Yes, it was proposed, and several experiments have been tried. I hope they are not given up.

870. And with that view they made these tanks, and they hope to breed the oysters in them?—I cannot recollect the details exactly but I heard a great deal about the tanks.

871. Did you hear Sir Charles Fox examined?—I think I did.

872. Did you hear Mr. Frank Buckland examined?—I think I did.

873. Did they propose to breed oysters in those tanks? —*Yes, they proposed to try every experiment tried in France and elsewhere.*

874. They proposed to have four tanks?—I do not recollect that at all.

875. How lately have you been at the Herne Bay Fishery?—Very lately.

876. How lately?—Well, I think I have been there within three weeks, something thereabouts.

877. How many tanks have you ever seen there?—I did not go to see the tanks at all. I went out on the ground to see it dredged.

878. Were you not taken down to see Mr. Crofts' tank? —No.

879. You saw no tank?—I saw no tank; the last time I was there, I think was in the autumn last, a little before the winter set in. I walked down and saw the tank you call Crofts' tank; he came with me and showed me that he was then progressing with the work; he had several things done, but it was not finished, and he told me that that was the tank that the experiment was to be tried in. It was not completed then.

880. It was Mr. Crofts' tank?—I do not know whose it was.

881. It was not on the ground of the Herne Bay Company?—I cannot tell.

882. The last time you were down there, you did not see any tanks at all?—I did not go near the place.

883. Were you told it was a failure?—I enquired a great many times how it was going on, and I was told it had not succeeded.

884. Have you seen any excavations they have been making for the formation of those tanks?—No, I did not go to that part of the place.

884*. Were you told that there were excavations being made?—Yes, I was; I heard all about the tramway, and a good deal of conversation.

885. I did not ask you about the tramway—the tanks is what I am going upon—you did not see them?—No; I went direct to Herne Bay, and I went out on the water at once.

886. When was the first time you went after the Herne Bay Act passed?—I should say some weeks—I cannot recollect exactly—I did not go till after they had commenced putting their oysters there—they had got some oysters from Ireland, and I went down soon after that I recollect.

887. Was that after they had been cleaning it?—Yes: and they had been putting down culch, and they showed me the great quantity of oyster shells they brought from the Channel.

888. They must clean it before they put down the culch?—Yes.

889. You say you have seen some of it dredged recently, and it was quite clean?—*Yes, what I saw was in very good order.*

890. When was it you saw a portion of it dredged?—I said before, about three weeks ago, very recently.

891. About how much did you see dredged?—I think we were on the ground something about three hours, and there were a great many attempts made in different places—we changed about—and the dredge was thrown out and

a scrape was made, and then another scrape. There were several scrapes made, as they call it.

892. About how many scrapes?—I dare say twenty. I cannot recollect. The stuff was all brought up to me to examine and look at.

893. Did you not get up any weed or any substance of that sort?—*No, there was very little weed.*

894. Any dead oysters?—*Yes, a good many of the oysters off the Irish bed died. I think that very often occurs when oysters are conveyed a long way,* and I was informed that there was a mishap occurred to one cargo of Irish oysters, the boat was delayed, and there were a good many dead oysters in the Irish part of the bed.

895. In the dredging, did you find any five-fingers?—Very few five-fingers, that I remarked particularly—there were very few indeed.

896. Now about the oyster beds which they have. Do you know how much ground they have covered with beds?—No, I could not at all tell. I was only taken where the Irish oysters were laid and the Welsh oysters were laid, and new oysters were laid. I was anxious to see if there was any spat.

897. Who took you down?—One of the Company took me down—there was a boat and everything ready when we arrived. Mr. Crofts was with us and three or four men.

898. You were taken down with a view to giving evidence here?—Yes, I was requested to go down and see how it stood, and everything, I was told, should be ready for me to satisfy myself.

899. When was it you had the oysters sent to you to test; was it recently?—Some time before that; recently.

900. The oysters that were sent to you to test, you did not see them dredged?—No.

901. They might have been a selected sample?—They might be; they were sent to me from the officer of the Company.

902. Do you know if the oysters that were sent up to you were dredged up from the sea or fattened in this experimental tank?—No; of course I cannot speak to that, I did not see them dredged; I can only speak of those I did see dredged.

903. *Of the oysters you did see dredged, you say some were good and a great many bad?—There was not what I would call a bad oyster among them; there was not an oyster among them that was not in a progressive state to a good condition.*

904. At present they are rather thin and watery?—Yes; they are in a great many stages.

905. I am speaking of the four-year olds?—I did not examine the age of any.

906. You can tell the age of them?—No, I cannot.

907. Not with your experience?—No; and I dare say there are a good many who profess they can that cannot be certain, although they might give a pretty good guess by their shells, but I am not sure they are correct, those who profess to know.

908. This Company having got their Act in 1864, this being 1866, might they not have purchased "half-ware," as it is called, and had it down in their beds and fattened it by this time?—I am not satisfied about that.

909. You know what I mean?—That would depend upon what ground they came from. There might be very good half-ware from one ground and very bad from another that would require two or three years to fatten.

910. I suppose it came from the immediate neighbourhood and some congenial soil?—If half-ware had been taken off a really good fattening ground of course it would be in a forward state.

911. It might be good enough for the fish consumers of Margate to eat?—No doubt it all depends on where they come from. I know hundreds of thousands of pounds worth have been brought from Ireland to my knowledge, and they are never fit to eat at all when they are brought here, but they become good oysters after a considerable time.

Re-examined by Mr. WHITE.

912. As my friend has put forward this question of the tanks again, you were present at the proceedings of the Committee of 1864?—Yes.

913. Will you tell me this, was not the main question discussed before the Committee—the policy of appropriating common grounds?—Quite so, I advocated that myself.

914. And in fact, by the Act of Parliament, it creates a Company similar, in some respects, to the Whitstable Company which possessed appropriated ground on which they could lay oysters?—As a public officer for many years, I advocated it, and there are reports before Parliament to show that, because I considered it of very great utility to enable these grounds to be worked by private parties. They go for little or no good unless they are made private property.

915. And it was put forward that experiments were to be tried in breeding?—Quite so.

916. In your judgment, *would it not have been very imprudent for a Company just starting to have at once plunged into the great expense of tanks?—Extremely so, and I strongly advised them to go by degrees and not lay out too much.* I witnessed another experiment. I went down last summer to where Mr. Buckland had laid a quantity of tiles at a very large expense, and that has not succeeded either, but I suppose there was not a spat fell on that part, and although it has not succeeded in the last spat season it may yet succeed.

N.B. The tiles did not cost the Company 30*l.*, Mr. Buckland who is very economical in his experiments also tried fascines, according to the French plan, and hurdles.

917. This Act of Parliament for which we are applying, proposes to give to the Board of Trade power to say

whether or not it is expedient that within a certain time these tanks should be constructed?—*I should still recommend the people who have the means to try all these experiments, but to try them by degrees and not to expend large sums of money before they have something to warrant it.*

918. Now about the dead oysters, you say it is a common thing for oysters brought from a distance that some of them should die?—Yes, from the fattening grounds. I know in Ireland one of the best fattening grounds that only contains four acres.

919. Out of what space?—It covers a space of four acres, and I know myself—I have examined those beds—there are certain little holes or places in that four acres where an oyster will not fatten, and not only that, but will die after a certain time, and they have from experience discovered that, and they take care not to put them there.

920. But they do not know what it is?—No.

921. When you went down for the purpose of dredging these grounds, did you direct the Whitstable men where to go?—No; I told them to take me to where the Irish oysters were laid, and to where the Welch oysters were laid, and to take me to some of the grounds where they had laid culch. I wanted to see whether there was spat, and in what stage the Irish and Welch oysters were.

922. *And you found a good marketable oyster?—Yes; I I found a good marketable oyster.*

Captain GEORGE AUSTIN, *sworn.*

N.B. This witness is a highly respected gentleman of great experience and accurate observation in all matters relating to oyster fisheries, both in the

estuary of the Thames and on the western coast of Ireland.

Examined by Mr. M. GRIFFITHS.

971. Are you one of the joint owners of the Pollard Fishery at Whitstable?—Yes.

972. That is a fishery on the west of the Whitstable present ground?—Yes; adjoining them on the west.

973. And have you also had experience in the oyster fisheries in Ireland belonging to you?—Yes; I have the largest fishery in Ireland.

974. You were examined before the Sea Fishery Commissioners, and your evidence is alluded to in their report?—Yes; the Commissioners stated it was the only thriving and profitable bed in all Ireland.

975. (*By a* LORD). At what point?—Near Westport.

976. Mr. GRIFFITHS: Do you know the ground that the Whitstable Company at present possess?—Yes, very well.

977. Are you able to say whether at present it is stocked or not?—I have not gone over it; but it is perfectly well known in the bay.

978. It is not one-quarter stocked at the present time?—When I mention stock, I mean the ground—the best stocked ever remembered—I mean the ground which was the best stocked ever remembered in 1859; at that time, there was a large part of the ground that they did not use.

979. Now you are acquainted also with the ground which the Whitstable Company seek to obtain by this Bill?—Yes.

980. A portion of what is called the "flats"?—Yes.

981. *Is that portion of the flats the best portion for obtaining the spat of the native oyster?—Probably the portion taken by the Herne Bay Company was about the best. The whole Bay swore that it was, and I believe that they are not far from right.*

Mr. WHITE: That was taken in 1864?—Yes, the part granted already by the Act of Parliament, but taking the remainder of the flats which the Whitstable Company asked for, that is the only piece of the flats which is a large public fishery; there are a large number of men who gain their living entirely from that.

983. Mr. M. GRIFFITHS: Is it the best part of that which is still left of the public fishery?—You may go down now and telegraph there, and you may find forty or fifty still upon that piece, but upon the outlying piece you will find very few indeed; they can always get a living upon that piece, but not upon the outlying piece. They can stop upon this piece in very bad weather, at least in middling weather, but the other portion is much more exposed.

984. Do you know the number of people in Whitstable who have been in the habit of fishing that flat?—I have not the least doubt 250 men who more or less gain their living entirely upon this piece of ground.

985. In good spat years, I suppose they collect spat?—Yes; that is their chief occupation, it is the most valuable.

986. (*By a* LORD). The detail of the fishery is not of importance?—It is very valuable for this reason. This goes to the root of every thing before you to-day. *There is a particular spat of oyster that falls upon this ground, and no where else in the world; it is the thing that makes the native oyster.*

987. Mr. M. GRIFFITHS: Is there also a valuable fishery there besides the spat—the whelk?—Yes.

988. Are you able to say what has been the product of that fishery within the last two years?—From enquiries made at the time, the Whitstable Company here gave evidence about it, they proved it was worth about 10,000*l.* I have made very close enquiries among the fishermen and others, and there can be no question that it produces about 12,000*l.* a-year at the present time.

989. Is there any other fish except the whelk which is caught on that particular part of the flats?—There are

soles, and a large number of men go trawling for soles. There are also eels and turbot caught there occasionally. I bought a lobster the day before I came from Whitstable, a very fine one caught there. There are also large numbers of men employed in catching plaice. At certain periods of the year there are a large number of boats that go catching shrimps. Also there is about that ground a turbot fishery.

990. Do you know from your experience of oyster fishery, whether it is desirable that the spat, after it is deposited, should be removed as soon as possible?—There is no doubt it is, if it lies upon the flats; .the whole evidence given before these Committees all goes to the same point—it runs great risk of being smothered in the mud or the sand or eaten up by the five-fingers. It requires at once to be removed into the proper bed.

991. Do you know whether the fishermen of Whitstable have also been in the habit of collecting cement-stones from this piece of ground?—Yes; a large quantity of cement-stones have been gathered—many thousands of tons.

992. That amounted to some 3000*l.* or 4000*l.* in the course of the year?—Averaging 4000*l.*, no doubt. There can be no reasonable man, who is not prejudiced, that could have any doubt that the different products are now sought to be confiscated for the benefit of the freemen. There is no doubt that there is a public fishery of 30,000*l.* a-year; and in a good year, when good spat falls, like 1858 and 1859, it is impossible to say what the value of the spat is. There is an account I have made up for five years; it was printed by the Whitstable Company themselves. The Whitstable Company bought, for five years ending 1861, 156,338 wash; the Pollard Company, Mr. Gann, manager, 54,000 wash: that is only for two years. The Faversham Company make their return in the same report five years, which five years of the Faversham Company is 22,345 wash. It was collected by the Faversham fishermen. There may be an error in that. Then Milton, 12,000 wash. The whole of the Essex boats, who

deal immensely in spat, they took away altogether 250,000 wash; and other private boats and various other parties took about 60,000 more. That would make a total of 544,683 wash. Upon the first calculation, *every one of these wash of brood ought to produce a London bushel of native oysters, and they are now worth 5l. 10s., or something of that kind*, and the amount may be conceived which 544,683 bushels of oysters would represent; therefore it is a prize worth fighting for.

N.B.—The Whitstable Company's return for the seven years 1857 to 1863, of the quantity and cost of the brood laid down on their grounds, showed that during those seven years they paid 146,993*l.* 7*s.* for 394,053 ½-wash; or, within an unimportant fraction, 10*s.* a-wash.

At this rate, the cost of the 544,633 wash would be 272,316*l.* 10*s.*, and, at one bushel for every wash, and 5*l.* 10*s.* for every bushel, the gross proceeds would be 2,995,756*l.* 10*s.*

But 5*l.* 10*s.* a-bushel is a most exceptionally high price; and it would be safer to take 40*s.* a-bushel, which was about the lowest price during the seven years.

At this rate, the gross proceeds of the 544,633 wash would be 1,089,266*l.*

According to Mr. Plummer's evidence as to the 300 acres which were taken into cultivation in 1858, it would require four years to realize this 1,089,266*l.*

If it took 600 men, instead of the Whitstable Company's 300 men, to cultivate this quantity of oysters, and every man were paid 112*l.* a-year wages —the highest payment (according to Mr. Nicholls) which the Whitstable men have had—the wages would amount to 268,800*l.*, which, added to the 272,316*l.* 10*s.*, the cost of the wash, would make 541,116*l.* 10*s.*, leaving 547,049*l.* 10*s.* balance of the 1,089,266*l.*

These figures tend to show that the report that the 300 Whitstable men have received about 280*l.* a-year each is not without an appearance of probability.

993. Do you consider that the ground which the Whitstable now wish to obtain is a suitable ground as a fattening ground for the oysters?—*It is impossible. It is precisely the same ground as the Herne Bay ground.*

994. Will you state the reasons why it is not suitable as a fattening ground for the oysters?—*There is a great deal of moving sand, and there are some places which are tolerably good; but it is the place that fats an oyster, and an oyster left there would never become a native, because it does not grow there, and does not get fat; it becomes all shell.*

N.B.—Here Captain Austin seems to have spoken from hearsay. The five square miles which the Herne Bay Company have cleared are singularly free from mud and moving sand. See Mr. Cholmondeley Pennell's evidence (721), that on weighing the oysters from time to time there was found a very steady improvement in the proportion of meat to shell. Captain Austin evidently had not applied to the oysters on the Herne Bay ground the test of weighing their meat against their shell. There have been dredged up very recently from parts of the Company's grounds which they were clearing some scores of bushels of fat oysters, the natural produce of the grounds, in the finest condition as regards both heavy meat and thin shell.

Cross-examined by Mr. MEREWETHER.

996. As I understand you, that part which was given to the Herne Bay Company in 1864 you consider the best ground?—I think, about equally good with this.

997. You rather give it the preference. Did you oppose the Herne Bay Company getting that?—I was very much opposed to them, although I did not get up the personal opposition.

998. Did you oppose them before Parliament?—Of course I did not.

999. Did your clients?—I cannot say, I had nothing whatever to do with it. I was out of England the greater part of the time till just before it came on or I should have opposed them, for I never supposed such a grant of a public fishery would have been given.

1000. You did not oppose them?—No.

1001. Do you oppose them now?—The question has been answered. There is no opposition. I do not, or the Whitstable fishermen do not.

1002. May I ask you why you do not?—I have not been instructed to do it. There is no question that there is not the money. The opposition here costs a good deal of money, and it is a misfortune for them.

1003. It would not have cost very much more to oppose them; your evidence would be the same?—I do not know how that would be. My Parliamentary Agents would satisfy you upon that.

1004. You have spoken of this as a prize worth fighting for?—Yes.

1005. I think it is a prize that you have had a battle for yourself. Are you a Director of the Ham Extension of last year?—I am.

1006. Is the Ham Extension indicated by this green upon this map?—I believe so.

1007. Did you come to Parliament last year and get that?—I was in Ireland, and I knew nothing about it till the Bill was got.

1008. It seems to me you go to Ireland just at the wrong moment?—I go very often.

1009. You are a Director of that Ham Extension?—I am.

1010. Have you lifted up your hands and raised your voice against being invested with those powers since?—No, certainly not.

1011. You have accepted the goods which the Lords and Commons have provided?—Yes; there is just this

difference, that the Ham ground never was fished by the public. There never was a fishery upon it at all. The consequence was, when the Bill went before the House, there was not a single soul who noticed or objected to it. It was a piece of worthless ground. It was taken with the idea of trying to make it useful, being near the head quarters.

1012. What do you say to the Herne Bay people's proposal; they having nine square miles as against our three square miles, what do you say to their proposing to take the ground we ask of the Committee?—I think it is very preposterous. They have at least twenty times more than they can use, I believe, *for sometime to come*, and therefore, to ask for more *now, at this time*, is the wildest thing I have ever heard of, and would be to those who understand the matter.

N.B.—Captain Austin, probably, was not aware that "the leasehold ground" for which the Herne Bay Company were asking was included in the lease from Earl Cowper. If he had been aware of it he would probably have considered it not "*preposterous*," but *posterous* (if the word may be permitted) in them to ask for it.

1013. I accept your evidence to that extent, at any rate; do you know that they only want this for the purpose of its being a deposit place?—Every man in the Whitstable, and myself among the number, are perfectly satisfied what you want it for is for the value of the spat that falls there.

1014. Accepting your view that we want it for the spat?—And the whelks as well, which are worth 12,000*l.* a-year.

1015. Which is the adjacent oyster ground to this district?—This.

1016. What is the adjacent oyster ground to the fresh ground that we ask for?—It adjoins the Herne Bay on one side, and the Whitstable on the other, and the Faver-

sham at this point. It is taking the whole vacant ground among the other fisheries.

1017. May I venture to ask you. I put it boldly, and probably you will give an answer not in accordance with my view; will not the greater part of the spat floating over that ground come from the Whitstable oyster fishery?—It is just as likely to come from Faversham. The state of the tide would certainly bring it more from the Faversham than the Whitstable. The tide sets off the shore there, and the Faversham would cross that blue piece, but the spat that falls on that piece of ground which the Whitstable Company are asking for, is just as likely to come from the Milton and the Faversham as from the Whitstable.

1018. I cannot expect an entirely comfortable answer from you, but may I take it it would be as likely to come from the Whitstable as from the Faversham?—No, I said "not quite so likely." I think there would be a larger proportion come from the Faversham on account of the state of the tide.

1019. Which has the greatest abuttal upon this ground, the Faversham or the Whitstable?—As to the area, the space where the oysters are laid, I should presume the Faversham.

1020. I am taking the water and the spat, and I ask you and direct your attention to that question; which is the greatest area alongside of the blue bit we are seeking to take, the Faversham or the Whitstable?—Along the blue bit; the plans are coloured in different colours. Will you allow me to look at a plan.

1021. Here is one (*a plan is handed to the witness*)?—The Whitstable.

1022. And very much so?—Not if you consider the laying ground.

1023. *The laying ground is the area of the whole fishery?—It is perhaps a fourth or more possibly.*

1024. You would put it as a fourth or more?—As near as I could form an opinion I should say one-fourth or more.

1025. And I am to understand you to say that the set off the Faversham would be more upon that blue part than the set off the Whitstable?—I said a trifle more; but there is very little difference—a trifle more.

1026. The direction is a trifle more?—Yes.

N.B.—Captain Austin's evidence before the Sea Fisheries Commission is well worth reading by those who wish for information about oyster fisheries.

Mr. THOMAS GANN, *sworn.*

Examined by Mr. GRIFFITHS.

1028. Are you a shipowner living at Whitstable?—Yes.

1029. Are you one of the joint proprietors of the Pollard Oyster Fishery?—Yes.

1030. On the west of the Whitstable Company?—Yes.

1031. You have great experience, therefore, in the growing of oysters?—Yes.

1032. How long have you lived at Whitstable?—All my life.

1033. Are you able to say what number of public fishermen there are at Whitstable not connected with the Company?—I think from 250 to 300.

1034. Have those fishermen been in the habit of fishing this piece of ground that the Whitstable Company now seek to obtain?—Yes, to a large extent—they go there five times out of six—they fish principally upon that.

1035. Do you know whether that piece of flat is the best of the whole of the flats, both for the deposit of spat and for fishing?—Yes.

1036. What sort of fish is caught there at the time that there is no deposit of the spat?—They catch a great many whelks, and they sell the star fish they catch for manure.

They get a good deal of cement stones, and mussels sometimes if there are any.

1037. Do you know at all what would be the annual value of the fishery?—Well, I should think from 25,000*l.* to 30,000*l.* a-year.

1038. And how would you make up that amount?—With the cement stones, five fingers, mussels and sometimes cockles.

1039. And the whelks fishery is an extensive one?—Yes; the men get a living now, day after day, by whelks alone.

1040. What is the use made of the whelks?—They are brought to London, a great many of them, and sold in the markets the same as common oysters, and a great many are sent away for cod baits, for which they are considered the best.

1041. You have been living so long at Whitstable, are you able to say from your own observation, how much time the members of the Company are employed at their work for the Company?—I have known them to go off, and not work upon the ground more than a quarter of an hour—I have known them go off after one dredging—they have not been more than an hour from shore to shore—sometimes they are more, but I have known them to do that.

1042. Take a recent period since Christmas downwards to some time, *what do you suppose the average time each of the members would be occupied in that way?—Not an hour upon the ground.*

1043. *Do you suppose they are occupied every day of the week in that way?—No, three times a-week.*

1044. *Not an hour in a day?—Not an hour upon the ground.*

1045. Have you ever known from any persons of the public fishermen of Whitstable being employed by the Whitstable Company?—Very rarely indeed—only when there is a little more work than they like to do. They go and lay oysters, which will take four or five hours, then

the fishermen will not go—they get somebody else to go, because it is hard work.

1046. Do you consider that this ground which the Whitstable Company are now going for, is suitable ground for the fattening of oysters?—*No, I think not.*

1047. Why do you think not?—*I never knew them to be very fit—very seldom—not so good as they are on the private grounds.*

1048. Do you know Mr. Gann, whether the Whitstable Company have got their present ground fully stocked, or how far it is stocked?—*I should not think more than one quarter part of what they had in* 1861. They have been selling from that stock for the last five years.

Cross-examined by Mr. MEREWETHER.

1054. You are a partner of the last witness, are you not?—Yes.

1068. May I ask you whether you opposed the Herne Bay getting their land in 1864?—I did not.

1070. Did you not take a lease from Lord Cowper of the Swalecliffe Manor?—My father did.

1071. And what was the end of that lease?—The end of it was, that they could not find the proper title.

1072. And was there not some litigation about it?—Yes.

1073. And was not your father beaten?—Yes.

1074. And it ended in nothing?—Of course it did.

1075. Mr. WHITE: I have one question to ask you. Was the information which is now in possession of the Herne Bay Company not in your father's possession at that time?—*It was not.* My father said he had seen the grant.

1076. And that was not accepted as evidence?—No, the Attorney said he could not find it.

WILLIAM STROUD, *sworn.*

Examined by Mr. GRIFFITHS.

1077. You are a dredgerman or fisherman living at Whitstable?—Yes.

1078. How long have you lived there?—All my life.

1079. Have you been in the habit of fishing the flats which the Whitstable Company are seeking to get?—Yes.

1080. *Is that the best part of the flats for obtaining spat?—Yes.*

1081. Do you catch any other fish there except the spat?—Yes.

1082. What fish do you get?—Whelks, soles, shrimps, and such like; all sorts of fish.

1092. Have you discussed the matter with the other fishermen as to what it is worth?—50,000*l.* or 60,000*l.* a-year.

HENRY ROWDEN, *sworn.*

Examined by Mr. M. GRIFFITHS.

1107. You are a flatsman, living at Whitstable?—I am.

1108. How long have you been there?—I was born there.

1109. How long have you been a fisherman there?—I have been on continually fifteen years, and perhaps I might say sixteen for what I know—never any where else.

1112. Is this piece of ground the Company wish to obtain, the best part of the flats for fishing?—It is.

1113. Is that the best place for getting the spat of the native oyster when any spat is to be found?—It is.

1114. What other fish can be caught on that piece?—Fish of all sorts, almost.

1115. Principally what?—Whelks, shrimps, plaice, turbot and many other fish, anything that comes to the net.

1127. Do you know how long it takes a member of the Company to go out and catch what you call a stint?—Sometimes they are gone a very little while.

1128. What time is that?—About half an hour, or less.

1129. Do you know how often they would go out for a stint?—I have known them them go out three times a-week, that is the time they are on the ground I am speaking of.

FREDERICK MONGER, *sworn.*

Examined by Mr. M. GRIFFITHS.

1180. Are you foreman, or were you last year foreman of the Faversham Oyster Company?—Yes.

1192. Do you think it would be a great injury to the Faversham men if the Whitstable Company got this land?—Very great indeed, for this reason: the scarcity of spat has caused nearly all the oysters to be dredged off the Faversham ground, and their principal means of subsistence will be from working on the flats.

1193. You know this piece of ground the Whitstable Company are wishing to get—do you know whether it is a suitable ground for the fattening of oysters?—*Well, I should think not.*

1194. It can be used to obtain the spat, but it is not a fit place to fatten in?—*It is excellent brood ground.*

It will be seen from the foregoing evidence and explanations, that the statements which have been circulated with the object of creating a prejudice against the Herne Bay Company, will not bear the test of candid examination.

All slanderous statements require a semblance of truth to give them plausibility, and facts which are undisputed, are made to support a superstructure of gratuitous fabrications.

Thus: the fact, that the Herne Bay Company, not two

years old, have made only a beginning in oyster culture, is used as a foundation for the allegation that they are doing nothing:—the fact, that their oyster grounds having been dredged bare of oysters have come into their hands in a state of nature, is employed to support the statement that their oyster grounds are worthless for breeding and for fattening:—the fact, that the oysters which they have sent to market after being only eighteen months on their grounds are not equal to the best Whitstable natives which have been laid down four years or more, is made the basis of a prediction that they never can succeed in fattening oysters fit for the public market:—the fact, that the Company have proceeded cautiously in making experiments in artificial oyster culture, is caught at to justify the assertion that their plans are an utter failure:—and so on.

The best retaliation on the Company's detractors is a statement of facts; and it will afford much satisfaction to the shareholders to know, that, after most careful investigation, this pamphlet can be concluded thus:—

1. The Herne Bay Company's oyster grounds are among the best of the breeding grounds in the estuary of the Thames, on which alone the true native spat falls.

2. The experience of only eighteen months has shown that they are good fattening grounds for natives, and gives hope that a few years may show that they are among the best of the fattening grounds.

3. The Company have already cleared about five square miles, and culched about one square mile of their grounds, and have laid down on parts of their beds many millions of oysters.

4. When the best Whitstable natives, four years or more on the ground, were selling at 6*l.* a-bushel, the Herne Bay natives, only eighteen months on the ground, sold at 5*l.* a-bushel, and when the price of Whitstable natives had fallen to 5*l.* a-bushel, the price of the Herne Bay natives had fallen only to 4*l.* 4*s.* a-bushel.

5. Mr. Ffennell, one of the Fishery Commissioners for England, whose official duty it may be to report on the

Company's proceedings, testifies that "they have faithfully fulfilled the duties imposed on them," and "have done everything that could be reasonably expected of them."

June, 1866.

The following correspondence has passed between some of the Shareholders and the Directors:—

"Gentlemen,

"We (who hold in the aggregate about one-sixth of the shares in the Herne Bay Company), having carefully read and considered the pamphlet which we send to you, adopt it, and beg leave to suggest that you should have it printed and sent to the shareholders.

"We are, gentlemen,
"Your obedient servants,
JOHN HARVEY,*
CHARLES SAUNDERS,†
HENRY SHUTTLEWORTH,‡
JOHN BULLAR.§

"To the Directors of the Herne Bay, &c., Company."

"10, Adelphi Terrace, W.C.,
June 27, 1866.

"Gentlemen,

"The Directors are much obliged for the pamphlet of which you have been good enough to send them a draft. They have given it careful consideration, and, having regard to the quantity of valuable and authentic information which it contains, they concur in your suggestion that it would be desirable that the shareholders should be placed in possession of it, and have therefore instructed me to circulate it among them.

"I remain, gentlemen,
"Your obedient servant,
"A. F. PENNELL, *Secretary*.

"To Messrs. Harvey, Saunders,
Shuttleworth, and Bullar."

* Chairman of Quarter Sessions for Bedfordshire.
† County Court Judge and Recorder of Wells, Plymouth, and Devonport.
‡ One of the Elder Brethren of the Trinity House.
§ Barrister-at-law.

PRINTED BY HARRISON AND SONS, ST. MARTIN'S LANE.